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सं. 6] नई दिल्ली, फरवरी 4—फरवरी 10, 2007, शनिवार/माघ 15—माघ 21, 1928
No. 6] NEW DELHI, FEBRUARY 4—FEBRUARY 10, 2007, SATURDAY/MAGHA 15—MAGHA 21, 1928

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

वित्त मंत्रालय

(राजस्व विभाग)

केन्द्रीय उत्पाद शुल्क, पुणे-II आयुक्तालय

पुणे, 26 दिसम्बर, 2006

संख्या 01/2006-सीमा शुल्क (गै.टै.)

का.आ. 331.—सीमा शुल्क अधिनियम, 1962 की धारा 152 के खण्ड (क) के अधीन भारत सरकार, वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली द्वारा सीमा शुल्क अधिनियम, 1962 की धारा 9 के अधीन दिनांक 1-7-1994 को जारी अधिसूचना संख्या 33/94-सीमा शुल्क (गै.टै.) द्वारा मुझे प्रदत्त अधिकारों का प्रयोग करते हुए, मैं, श्रीमती आई. डी. मजुमदार, आयुक्त केन्द्रीय उत्पाद शुल्क, पुणे-II आयुक्तालय, पुणे, एतद्वारा महाराष्ट्र राज्य के जिला सिंधुदुर्ग के सतैली और रेडी गाँवों को सीमा शुल्क अधिनियम, 1962 (1962 का 52) की धारा 9 के अधीन वेअर हाऊसिंग स्टेशन के रूप में घोषित कर रही हूँ।

[फा. सं. वी.जी.एन(30)14/तकनीकी ई.ओ.यू./पुणे-II/2006]

श्रीमती आई. डी. मजुमदार, आयुक्त

MINISTRY OF FINANCE

(Department of Revenue)

OFFICE OF THE COMMISSIONER OF CENTRAL
EXCISE: PUNE-II

Pune, the 26th December, 2006

No. 01/2006-Cus(NT)

S.O. 331.—In exercise of the powers conferred under Section 9 of the Customs Act, 1962 as delegated vide Notification No. 33/94-Cus (NT) dated 1-7-1994 issued by the Government of India, Ministry of Finance, Department of Revenue, New Delhi under clause (a) of Section 152 of Customs Act, 1962, I, Smt. I. D. Majumder, Commissioner of Central Excise, Pune-II Commissionerate, Pune, hereby declare Village: Sateli and Redi, Dist. Sinduhdurg in the State of Maharashtra, to be a Warehousing Station under Section 9 of the Customs Act, 1962 (52 of 1962).

[F. No. VGN (30)14/Tech EOU/P. II/2006]

Smt. I. D. MAJUMDER, Commissioner

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 15 जनवरी, 2007

(आयकर)

का.आ. 332.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उप-खंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा यह अधिसूचित करती है कि “जी सी वाई एम चैरिटी ट्रस्ट, नागालैंड” (इसके बाद “संस्था” कहा गया है) की ओर से किसी व्यक्ति द्वारा प्राप्त की गई कोई आय निम्नलिखित शर्तों के अधीन ऐसे व्यक्ति की कुल आय में शामिल नहीं की जाएगी :—

- (क) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहाँ इसकी पंद्रह प्रतिशत से अधिक आय अप्रैल, 2002 के पहले दिन में या उसके पश्चात् आय एकत्र की गई है, इसकी आय के संचयन की राशि के पंद्रह प्रतिशत से अधिक होने की अवधि किसी भी स्थिति में पाँच वर्ष से अधिक नहीं होनी चाहिए;
- (ख) संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उप-धारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से अपनी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वेच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करेगा;
- (ग) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हों;
- (घ) संस्था आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आय कर प्राधिकारी के समक्ष फाइल करेगा;
- (ङ) संस्था के विघटन की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी ;
- (च) जैसा कि धारा 288 की उप-धारा (2) के नीचे स्पष्टीकरण में परिभाषित किया गया है, संस्था किसी लेखाकर द्वारा अपने खातों की लेखा परीक्षा कराएगी तथा आय की विवरणी के साथ प्रस्तुत करेगी। ऐसी लेखा परीक्षा की रिपोर्ट, विहित प्रारूप में लेखाकार के द्वारा विधिवत हस्ताक्षरित एवं सत्यापित एवं विहित किए गए यथा अपेक्षित ब्यौरों को प्रेषित करेगी।

2. यह अधिसूचना केवल संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी प्राप्ति अथवा आय पर। संस्था की कराधेयता अथवा अन्यथा आय पर, आयकर अधिनियम, 1961 के उपबंधों के अनुसार पृथक रूप से विचार किया जाएगा।

3. यह अधिसूचना कर निर्धारण वर्ष 2007-08 एवं आगे के लिए लागू होगी।

4. उपर्युक्त अधिसूचना को केन्द्र सरकार के द्वारा निरस्त किया जा सकता है यदि यह बाद में पाया गया कि संस्था के क्रियाकलाप वैध नहीं हैं अथवा यदि उनका निर्वाहन उन सभी अथवा उनमें से किन्हीं शर्तों के अनुसार नहीं किया जा रहा है जिनके आधार पर इसे अधिसूचित किया गया था।

[अधिसूचना सं. 4/2007/फा.सं. 197/119/2006—आयकर नि.-I]

दीपक गर्ग, अवर सचिव

(CENTRAL BOARD OF DIRECT TAXES)

New Delhi, the 15th January, 2007

(INCOME-TAX)

S.O. 332.—In exercise of powers conferred by the sub-clause (iv) of the Clause (23C) of Section 10 of the Income tax Act, 1961 (43 of 1961), the Central Government hereby notifies that any income received by any person on behalf of “G.C.Y.M Charity Trust, Nagaland” (hereinafter the “Institution”) shall not be included in the total income of such person subject to the following conditions, namely :—

- (a) the Institution will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;
- (b) the Institution will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture, etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of the Section 11;
- (c) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the Institution and separate books of account are maintained in respect of such business;
- (d) the Institution will regularly file its return of income before the Income tax authority in accordance with the provisions of the Income tax Act, 1961;
- (e) that in the event of dissolution of the Institution, its surplus and the assets will be given to an organization with similar objectives;
- (f) the Institute will get its accounts audited by an accountant as defined in Explanation below Sub-section (2) of Section 288 and furnish along with the return of Income. The report of such audit in the prescribed form duly signed and verified by such accountant and setting forth such particulars as may be prescribed.

2. This notification is applicable only to the recipients of income on behalf of the Institution and not to any other receipt or income of such recipients. Taxability or, otherwise of the income of the Institution would be separately considered as per the provisions of the Income tax Act, 1961.

3. This notification is applicable for Assessment Year 2007-08 and onwards.

4. The above notification is liable to be rescinded by the Central Government if it is subsequently found that the activities of the Institution are not genuine or if they are not carried out in accordance with all or any of the conditions subject to which it was notified.

[Notification No. 4/2007/F. No. 197/119/2006-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 16 जनवरी, 2007

(आयकर)

का.आ. 333.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, एतद्वारा “जवाहरलाल नेहरू हॉकी टूर्नामेंट सोसायटी, नई दिल्ली” को कर निर्धारण वर्ष 2001-2002 से 2002-2003 तक के लिए निम्नलिखित शर्तों के अधीन उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उप-धारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के उपबंधों के अनुसार अपनी आय विवरणी नियमित रूप से आय कर प्राधिकारी के समक्ष दाखिल करेगा;
- (v) विघटन की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 5/2007/फा.सं./196/6/2006—आयकर नि.-1]

दीपक गर्ग, अवर सचिव

New Delhi, the 16th January, 2007

(INCOME TAX)

S.O. 333.—In exercise of powers conferred by the clause (23) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Jawaharlal Nehru Hockey Tournament Society, New Delhi” for the purpose of the said clause for the assessment years 2001-2002 and 2002-2003 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.)

for any period during the previous years relevant to the assessment years mentioned above other wise than in anyone or more of the forms or modes specified in sub-section (5) of Section 11;

- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 5/2007/F. No. 196/6/2006-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 16 जनवरी, 2007

(आयकर)

का.आ. 334.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, एतद्वारा “रेसलिंग फेडरेशन ऑफ इंडिया, नई दिल्ली” को कर निर्धारण वर्ष 2001-2002 से 2002-2003 तक के लिए निम्नलिखित शर्तों के अधीन उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उप-धारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से अपनी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के उपबंधों के अनुसार अपनी आय की विवरणी नियमित रूप से आय कर प्राधिकारी के समक्ष दाखिल करेगा;
- (v) विघटन की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 6/2007/फा.सं. 196/7/2006—आयकर नि.-1]

दीपक गर्ग, अवर सचिव

New Delhi, the 16th January, 2007

(INCOME TAX)

S.O. 334.—In exercise of powers conferred by the clause (23) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Wrestling Federation of India, New Delhi” for the purpose of the said clause for the assessment years 2001-2002 and 2002-2003 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in anyone or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of account are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 6/2007/ F. No. 196/7/2006-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 19 जनवरी, 2007

(आयकर)

का.आ. 335.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, एतद्द्वारा यह अधिसूचित करती है कि “नियो संन्यास फाउंडेशन, 17, कोरेगांव पार्क, पुणे” (इसके बाद “संस्था” कहा गया है) की ओर किसी व्यक्ति द्वारा प्राप्त की गई कोई आय निम्नलिखित शर्तों के अधीन ऐसे व्यक्ति की कुल आय में शामिल नहीं की जाएगी :

- (क) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहाँ इसकी पंद्रह प्रतिशत से अधिक आय अप्रैल, 2002 के पहले दिन में या उसके पश्चात् आवेक की गई है, इसकी आय के संचयन की राशि के पंद्रह प्रतिशत से अधिक होने की अवधि किसी भी स्थिति में पाँच वर्ष से अधिक नहीं होनी चाहिए;

- (ख) संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में

विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से अपनी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करेगा;

- (ग) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगा, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हों;
- (घ) संस्था आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (ङ) संस्था के विघटन की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।
- (च) जैसा कि धारा 288 की उप-धारा (2) के नीचे स्पष्टीकरण में परिभाषित किया गया है, संस्था किसी लेखाकर द्वारा अपने खातों की लेखा परीक्षा कराएगी तथा आय की विवरणी के साथ प्रस्तुत करेगी। ऐसी लेखा परीक्षा की रिपोर्ट, विहित प्रारूप में लेखाकार के द्वारा विधिवत हस्ताक्षरित एवं सत्यापित एवं विहित किए गए यथा अपेक्षित व्यौरों को प्रेषित करेगी।

2. यह अधिसूचना केवल संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी प्राप्ति अथवा आय पर। संस्था की करधेयता अथवा अन्यथा आय पर, आयकर अधिनियम, 1961 के उपबंधों के अनुसार पृथक रूप से विचार किया जाएगा।

3. यह अधिसूचना कर निर्धारण वर्ष 1999-2000 एवं आगे के लिए लागू होगी।

4. उपर्युक्त अधिसूचना को केन्द्र सरकार के द्वारा निरस्त किया जा सकता है यदि यह बाद में पाया गया कि संस्था के क्रियाकलाप वैध नहीं हैं अथवा यदि उनका अनुपालन उन सभी अथवा उनमें से किन्हीं शर्तों के अनुसार नहीं किया जा रहा है जिनके आधार पर इसे अधिसूचित किया गया था।

5. यह अधिसूचना आवेदक के मामले में मुम्बई उच्च न्यायालय के दिनांक 26-7-2005 के आदेश संख्या (आई टी) 178 के अनुसरण में जारी की जाती है।

[अधिसूचना सं. 7/2007/फा.सं. 197/87/2000-आयकर नि.-I]

दीपक गर्ग, अवर सचिव

New Delhi, the 19th January, 2007

(INCOME TAX)

S.O. 335.—In exercise of powers conferred by the sub-clause (iv) of the Clause (23C) of Section 10 of the Income tax Act, 1961 (43 of 1961), the Central Government hereby notifies that any income received by any person on behalf of “Neo Sannyas Foundation, 17 Koregaon Park,

Pune" (hereinafter the "Institution") shall not be included in the total income of such person subject to the following conditions, namely:

- (a) the Institution will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;
- (b) the Institution will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture, etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in anyone or more of the forms or modes specified in sub-section (5) of section 11;
- (c) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the Institution and separate books of account are maintained in respect of such business;
- (d) the Institution will regularly file its return of income before the Income tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (e) that in the event of dissolution of the Institution, its surplus and the assets will be given to an organization with similar objectives;
- (f) the Institute will get its accounts audited by an accountant as defined in Explanation below sub-section (2) of section 288 and furnish along with the return of Income. The report of such audit in the prescribed form duly signed and verified by such accountant and setting forth such particulars as may be prescribed.

2. This notification is applicable only to the recipients of income on behalf of the Institution and not to any other receipt or income of such recipients. Taxability or, otherwise of the income of the Institution would be separately considered as per the provisions of the Income-tax Act, 1961.

3. This notification is applicable for Assessment Year 1999-2000 and onwards.

4. The above notification is liable to be rescinded by the Central Government if it is subsequently found that the activities of the Institution are not genuine or if they are not carried out in accordance with all or any of the conditions subject to which it was notified.

5. This notification is issued in pursuance of the order No (IT) 178 of 2002 dated 26-7-2005 of the Bombay High Court in the case of the applicant.

[Notification No. 7/2007/F. No. 197/87/20070-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 19 जनवरी, 2007

(आयकर)

का.आ. 336.-आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा यह अधिसूचित करती है कि "संत श्री आशाराम आश्रम, पोस्ट मोटेरा, जिला गाँधीनगर, गुजरात" (इसके बाद "संस्था" कहा गया है) की ओर से किसी व्यक्ति द्वारा प्राप्त की गई कोई आय निम्नलिखित शर्तों के अध्वधीन ऐसे व्यक्ति की कुल आय में शामिल नहीं की जाएगी :

- (क) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहाँ इसकी पंद्रह प्रतिशत से अधिक आय अप्रैल, 2002 के पहले दिन में या उसके पश्चात् आय एकत्र की गई है, इसकी आय के संचयन की राशि के पंद्रह प्रतिशत से अधिक होने की अवधि किसी भी स्थिति में पाँच वर्ष से अधिक नहीं होनी चाहिए;
- (ख) संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से अपनी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करेगा;
- (ग) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगा, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हों;
- (घ) संस्था आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आय कर प्राधिकारी के समक्ष फाइल करेगा;
- (ङ) संस्था के विघटन की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी।
- (च) जैसा कि धारा 288 की उपधारा (2) के नीचे स्पष्टीकरण में परिभाषित किया गया है, संस्था किसी लेखाकार द्वारा अपने खातों की लेखा परीक्षा कराएगी तथा आय की विवरणी के साथ प्रस्तुत करेगी। ऐसी लेखा परीक्षा की रिपोर्ट, विहित प्रारूप में लेखाकार के द्वारा विधिवत हस्ताक्षरित एवं सत्यापित एवं विहित किए गए यथा अपेक्षित ब्यौरों को प्रेषित करेगी।

2. यह अधिसूचना केवल संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी प्राप्ति अथवा आय पर। संस्था की कसबेदारी अथवा अन्यथा आय पर, आयकर अधिनियम, 1961 के उपबंधों के अनुसार पृथक रूप से विचार किया जाएगा।

3. यह अधिसूचना कर निर्धारण वर्ष 2005-06 एवं आगे के लिए लागू होगी।

4. उपर्युक्त अधिसूचना को केन्द्र सरकार के द्वारा निरस्त किया जा सकता है यदि यह बाद में पाया गया कि संस्था के क्रियाकलाप वैध नहीं हैं अथवा यदि उनका अनुपालन उन सभी अथवा उनमें से किन्हीं शर्तों के अनुसार नहीं किया जा रहा है जिनके आधार पर इसे अधिसूचित किया गया था।

[अधिसूचना सं. 8/2007/फा.सं. 197/47/2006-आयकर नि.-1]

दीपक गर्ग, अवर सचिव

New Delhi, the 19th January, 2007

(INCOME TAX)

S.O. 336.—In exercise of powers conferred by sub-clause (iv) of the Clause (23C) of Section 10 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby notifies that any income received by any person on behalf of "Sant Sri Asharam Ashram, Post Motera, Dist. Gandhinagar, Gujarat" (hereinafter the "Institution") shall not be included in the total income of such person subject to the following conditions, namely:—

- (a) the Institution will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;
- (b) the Institution will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture, etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of the section 11;
- (c) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the Institution and separate books of account are maintained in respect of such business;
- (d) the Institution will regularly file its return of income before the Income tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (e) that in the event of dissolution of the Institution, its surplus and the assets will be given to an organization with similar objectives.
- (f) The Institute will get its accounts audited by an accountant as defined in Explanation below sub-section (2) of section 288 and furnish along with the return of income. The report of such audit in the prescribed form duly signed and verified by such accountant and setting forth such particulars as may be prescribed.

2. This notification is applicable only to the recipients of income on behalf of the Institution and not to any other

receipt or income of such recipients. Taxability or, otherwise of the income of the Institution would be separately considered as per the provisions of the Income tax Act, 1961.

3. This notification is applicable for Assessment Year 2005-06 and onwards.

4. The above notification is liable to be rescinded by the Central Government if it is subsequently found that the activities of the Institution are not genuine or if they are not carried out in accordance with all or any of the conditions subject to which it was notified.

[Notification No. 8/2007/F. No. 197/47/2006-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 19 जनवरी, 2007

(आयकर)

क्र.आ. 337.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा यह अधिसूचित करती है कि "सेंट मैरीस एजुकेशनल एण्ड सोशल वेलफेयर सोसाइटी, पारा रोड, राजाजी पुरम, लखनऊ-226017" (इसके बाद "संस्था" कहा गया है) की ओर से किसी व्यक्ति द्वारा प्राप्त की गई कोई आय निम्नलिखित शर्तों के अधीन ऐसे व्यक्ति की कुल आय में शामिल नहीं की जाएगी :

- (क) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहाँ इसकी पंद्रह प्रतिशत से अधिक आय अप्रैल, 2002 के पहले दिन में या उसके पश्चात् आय एकत्र की गई है, इसकी आय के संचयन की राशि के पंद्रह प्रतिशत से अधिक होने की अवधि किसी भी स्थिति में पाँच वर्ष से अधिक नहीं होनी चाहिए;
- (ख) संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से अपनी निधि (ज्वेल-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करेगा;
- (ग) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगा, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हों;
- (घ) संस्था आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आय कर प्राधिकारी के समक्ष फाइल करेगा;
- (ङ) संस्था के विघटन की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी।

(च) जैसा कि धारा 288 की उप-धारा (2) के नीचे स्पष्टीकरण में परिभाषित किया गया है, संस्था किसी लेखाकार द्वारा अपने खातों की लेखा परीक्षा कराएगी तथा आय की विवरणी के साथ प्रस्तुत करेगी। ऐसी लेखा परीक्षा की रिपोर्ट, विहित प्रारूप में लेखाकार के द्वारा विधिवत हस्ताक्षरित एवं सत्यापित एवं विहित किए गए यथा अपेक्षित ब्यौरों को प्रेषित करेगी।

2. यह अधिसूचना केवल संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी प्राप्ति अथवा आय पर। संस्था की कराधेयता अथवा अन्यथा आय पर, आय-कर अधिनियम, 1961 के उपबंधों के अनुसार पृथक् रूप से विचार किया जाएगा।

3. यह अधिसूचना कर निर्धारण वर्ष 2006-07 एवं आगे के लिए लागू होगी।

4. उपर्युक्त अधिसूचना को केन्द्र सरकार के द्वारा निरस्त किया जा सकता है यदि यह बाद में पाया गया कि संस्था के क्रियाकलाप वैध नहीं हैं अथवा यदि उनका अनुपालन उन सभी अथवा उनमें से किन्हीं शर्तों के अनुसार नहीं किया जा रहा है जिनके आधार पर इसे अधिसूचित किया गया था।

[अधिसूचना सं. 9/2007/फा.सं. 197/139/2006-आयकर नि.-I]

दीपक गर्ग, अवर सचिव

New Delhi, the 19th January, 2007

(INCOME TAX)

S.O. 337.—In exercise of powers conferred by the sub-clause (iv) of the Clause (23C) of Section 10 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby notifies that any income received by any person on behalf of "St. Mary's Educational and Social Welfare Society, Para Road, Rajaji Puram, Lucknow-226017" (hereinafter the "Institution") shall not be included in the total income of such person subject to the following conditions, namely:—

(a) the Institution will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;

(b) the Institution will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture, etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of the Section 11;

(c) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the

objectives of the Institution and separate books of account are maintained in respect of such business;

(d) the Institution will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income Tax Act, 1961;

(e) that in the event of dissolution of the Institution, its surplus and the assets will be given to an organization with similar objectives;

(f) The Institute will get its accounts audited by an accountant as defined in Explanation below sub-section (2) of Section 288 and furnish alongwith the return of Income. The report of such audit in the prescribed form duly signed and verified by such accountant and setting forth such particulars as may be prescribed.

2. This notification is applicable only to the recipients of income on behalf of the Institution and not to any other receipt or income of such recipients. Taxability or, otherwise of the income of the Institution would be separately considered as per the provisions of the Income Tax Act, 1961.

3. This notification is applicable for Assessment Years 2006-07 and onwards.

4. The above notification is liable to be rescinded by the Central Government if it is subsequently found that the activities of the Institution are not genuine or if they are not carried out in accordance with all or any of the conditions subject to which it was notified.

[Notification No. 9/2007/F.No. 197/139/2006-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 19 जनवरी, 2007

(आयकर)

क्र.आ. 338.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उप-खंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा यह अधिसूचित करती है कि "दि क्लॉथ मार्केट एण्ड शॉप्स बोर्ड, 94/96, भूलेश्वर रोड, भूलेश्वर, मुम्बई-400002" (इसके बाद "संस्था" कहा गया है) की ओर किसी व्यक्ति द्वारा प्राप्त की गई कोई आय निम्नलिखित शर्तों के अध्वधीन ऐसे व्यक्ति की कुल आय में शामिल नहीं की जाएगी :

(क) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहाँ इसकी पंद्रह प्रतिशत से अधिक आय अप्रैल, 2002 के पहले दिन में या उसके पश्चात् आय एकत्र की गई है, इसकी आय के संचयन की राशि के पंद्रह प्रतिशत से अधिक होने की अवधि किसी भी स्थिति में पाँच वर्ष से अधिक नहीं होनी चाहिए;

(ख) संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उप-धारा (5) में

विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से अपनी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करेगा;

- (ग) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हों;
- (घ) संस्था आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (ङ) संस्था के विघटन की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।
- (च) जैसा कि धारा 288 की उप-धारा (2) के नीचे स्पष्टीकरण में परिभाषित किया गया है, संस्था किसी लेखाकर द्वारा अपने खातों की लेखा परीक्षा कराएगी तथा आय की विवरणी के साथ प्रस्तुत करेगी। ऐसी लेखा परीक्षा की रिपोर्ट, विहित प्रारूप में लेखाकार के द्वारा विधिवत हस्ताक्षरित एवं सत्यापित एवं विहित किए गए यथा अपेक्षित व्यौरों को प्रेषित करेगी।
2. यह अधिसूचना केवल संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी प्राप्ति अथवा आय पर। संस्था की कराधेयता अथवा अन्यथा आय पर, आयकर अधिनियम, 1961 के उपबंधों के अनुसार पृथक रूप से विचार किया जाएगा।
3. यह अधिसूचना कर निर्धारण वर्ष 1997-1998 एवं आगे के लिए लागू होगी।
4. उपर्युक्त अधिसूचना को केन्द्र सरकार के द्वारा निरस्त किया जा सकता है यदि यह बाद में पाया गया कि संस्था के क्रियाकलाप वैध नहीं हैं अथवा यदि उनका अनुपालन उन सभी अथवा उनमें से किन्हीं शर्तों के अनुसार नहीं किया जा रहा है जिनके आधार पर इसे अधिसूचित किया गया था।

[अधिसूचना सं. 10/2007/फा.सं. 197/22/2006—आयकर नि.-1]

दीपक गर्ग, अवर सचिव

New Delhi, the 19th January, 2007

(INCOME TAX)

S.O. 338.—In exercise of powers conferred by the sub-clause (iv) of the Clause (23C) of Section 10 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby notifies that any income received by any person on behalf of "The Cloth Market and Shops Board, 94/96, Bhuleshwar Road, Bhuleshwar, Mumbai-400002" (hereinafter the "Institution") shall not be included in the

total income of such person subject to the following conditions, namely:—

- the Institution will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;
- the Institution will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture, etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of the Section 11;
- this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the Institution and separate books of account are maintained in respect of such business;
- the Institution will regularly file its return of income before the Income Tax Authority in accordance with the provisions of the Income Tax Act, 1961;
- that in the event of dissolution of the Institution, its surplus and the assets will be given to an organization with similar objectives.
- The Institute will get its accounts audited by an accountant as defined in Explanation below sub-Section (2) of Section 288 and furnish along with the return of Income. The report of such audit in the prescribed form duly signed and verified by such accountant and setting forth such particulars as may be prescribed.

2. This notification is applicable only to the recipients of income on behalf of the Institution and not to any other receipt or income of such recipients. Taxability or, otherwise of the income of the Institution would be separately considered as per the provisions of the Income Tax Act, 1961.

3. This notification is applicable for Assessment Years 1997-98 and onwards.

4. The above notification is liable to be rescinded by the Central Government if it is subsequently found that the activities of the Institution are not genuine or if they are not carried out in accordance with all or any of the conditions subject to which it was notified.

[Notification No. 10/2007/F. No. 197/22/2006-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 19 जनवरी, 2007

(आयकर)

का.आ. 339.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा यह अधिसूचित करती है

कि "ट्रैगोपन फार्मर्स सोसाइटी, दीमापुर, नागालैंड" (इसके बाद "संस्था" कहा गया है) की ओर से किसी व्यक्ति द्वारा प्राप्त की गई कोई आय निम्नलिखित शर्तों के अधीन ऐसे व्यक्ति की कुल आय में शामिल नहीं की जाएगी :

- (क) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहाँ इसकी पंद्रह प्रतिशत से अधिक आय अप्रैल, 2002 के पहले दिन में या उसके पश्चात् आय एकत्र की गई है, इसकी आय के संचयन की राशि के पंद्रह प्रतिशत से अधिक होने की अवधि किसी भी स्थिति में पाँच वर्ष से अधिक नहीं होनी चाहिए;
- (ख) संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से अपनी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करेगा;
- (ग) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगा, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हों;
- (घ) संस्था आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आय कर प्राधिकारी के समक्ष फाइल करेगा;
- (ङ) संस्था के विघटन की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी।
- (च) जैसा कि धारा 288 की उपधारा (2) के नीचे स्पष्टीकरण में परिभाषित किया गया है, संस्था किसी लेखाकार द्वारा अपने खातों की लेखा परीक्षा कराएगी तथा आय की विवरणी के साथ प्रस्तुत करेगी। ऐसी लेखा परीक्षा की रिपोर्ट, विहित प्रारूप में लेखाकार के द्वारा विधिवत हस्ताक्षरित एवं सत्यापित एवं विहित किए गए यथा अपेक्षित ब्यौरों को प्रेषित करेगी।

2. यह अधिसूचना केवल संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी प्राप्ति अथवा आय पर। संस्था की कराधेयता अथवा अन्यथा आय पर, आयकर अधिनियम, 1961 के उपबंधों के अनुसार पृथक रूप से विचार किया जाएगा।

3. यह अधिसूचना कर निर्धारण वर्ष 2007-08 एवं आगे के लिए लागू होगी।

4. उपर्युक्त अधिसूचना को केन्द्र सरकार के द्वारा निरस्त किया जा सकता है यदि यह बाद में पाया गया कि संस्था के क्रियाकलाप वैध नहीं हैं अथवा यदि उनका अनुपालन उन सभी अथवा उनमें से किन्हीं शर्तों के अनुसार नहीं किया जा रहा है जिनके आधार पर इसे अधिसूचित किया गया था।

[अधिसूचना सं. 11/2007/फा.सं./197/135/2006-आयकर नि.-1]

दीपक गर्ग, अवर सचिव

New Delhi, the 19th January, 2007

(INCOME TAX)

//S.O. 339.—In exercise of powers conferred by the sub-clause (iv) of the Clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies that any income-received by any person on behalf of "Tragopan Farmers Society, Dimapur, Nagaland" (hereinafter the "Institution") shall not be included in the total income of such person subject to the following conditions, namely:

- (a) the Institution will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;
- (b) the Institution will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture, etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in anyone or more of the forms or modes specified in sub-section (5) of the section 11;
- (c) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the Institution and separate books of account are maintained in respect of such business;
- (d) the Institution will regularly file its return of income before the Income tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (e) that in the event of dissolution of the Institution, its surplus and the assets will be given to an organization with similar objectives.
- (f) The Institute will get its accounts audited by an accountant as defined in Explanation below sub-section (2) of section 288 and furnish along with the return of Income. The report of such audit in the prescribed form duly signed and verified by such accountant and setting forth such particulars as may be prescribed.

2. This notification is applicable only to the recipients of income on behalf of the Institution and not to any other receipt or income of such recipients. Taxability or, otherwise

of the income of the Institution would be separately considered as per the provisions of the Income tax Act, 1961.

3. This notification is applicable for assessment year 2007-08 & onwards.

4. The above notification is liable to be rescinded by the Central Government if it is subsequently found that the activities of the Institution are not genuine or if they are not carried out in accordance with all or any of the conditions subject to which it was notified.

[Notification No. 11/2007/F.No. 197/135/2006-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 19 जनवरी, 2007

(आयकर)

का.आ. 340.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा यह अधिसूचित करती है कि “फैमिली प्लानिंग एसोसिएशन ऑफ इंडिया, बजाज भवन, प्रथम तल, नरीमन प्वाइंट, मुम्बई-400021” (इसके बाद “संस्था” कहा गया है) की ओर से किसी व्यक्ति द्वारा प्राप्त की गई कोई आय निम्नलिखित शर्तों के अधीन ऐसे व्यक्ति की कुल आय में शामिल नहीं की जाएगी :

- (क) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहाँ इसकी पंद्रह प्रतिशत से अधिक आय अप्रैल, 2002 के पहले दिन में या उसके पश्चात् आय एकत्र की गई है, इसकी आय के संचयन की राशि के पंद्रह प्रतिशत से अधिक होने की अवधि किसी भी स्थिति में पाँच वर्ष से अधिक नहीं होनी चाहिए;
- (ख) संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से अपनी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करेगा;
- (ग) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगा, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;
- (घ) संस्था आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (ङ) संस्था के विघटन की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

(च) जैसा कि धारा 288 की उपधारा (2) के नीचे स्पष्टीकरण में परिभाषित किया गया है, संस्था किसी लेखाकार द्वारा अपने खातों की लेखा परीक्षा कराएगी तथा आय की विवरणी के साथ प्रस्तुत करेगी। ऐसी लेखा परीक्षा की रिपोर्ट, विहित प्रारूप में लेखाकार के द्वारा विधिवत हस्ताक्षरित एवं सत्यापित एवं विहित किए गए यथा अपेक्षित व्यौरों को प्रेषित करेगी।

2. यह अधिसूचना केवल संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी प्राप्ति अथवा आय पर। संस्था की कराधेयता अथवा अन्यथा आय पर, अधिनियम, 1961 के उपबंधों के अनुसार पृथक् रूप से विचार किया जाएगा।

3. यह अधिसूचना कर निर्धारण वर्ष 2002-03 एवं आगे के लिए लागू होगी।

4. उपर्युक्त अधिसूचना को केन्द्र सरकार के द्वारा निरस्त किया जा सकता है यदि यह बाद में पाया गया कि संस्था के क्रियाकलाप वैध नहीं हैं अथवा यदि उनका अनुपालन उन सभी अथवा उनमें से किन्हीं शर्तों के अनुसार नहीं किया जा रहा है जिनके आधार पर इसे अधिसूचित किया गया था।

[अधिसूचना सं. 12/2007/फा.सं. 197/123/2006—आयकर नि.-I]

दीपक गर्ग, अवर सचिव

New Delhi, the 19th January, 2007

(INCOME TAX)

S.O. 340.—In exercise of powers conferred by the sub-clause (iv) of the Clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies that any income-received by any person on behalf of “Family Planning Association of India, Bajaj Bhawan, 1st Floor, Nariman Point, Mumbai-400021” (hereinafter the “Institution”) shall not be included in the total income of such person as assessable subject to the following conditions,

- (a) the Institution will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;
- (b) the Institution will not invest or deposit its fund (other than voluntary contribution and maintained in the form of jewellery, furniture, etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in anyone or more of the forms or modes specified in sub-section (5) of the section 11;
- (c) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the

objectives of the Institution and separate books of account are maintained in respect of such business;

- (d) the Institution will regularly file its return of income before the Income tax authority in accordance with the provisions of the Income tax Act, 1961;
- (e) that in the event of dissolution of the Institution, its surplus and the assets will be given to an organization with similar objectives.
- (f) The Institute will get its accounts audited by an accountant as defined in Explanation below sub-section (2) of Section 288 and furnish along with the return of Income. The report of such audit in the prescribed form duly signed and verified by such accountant and setting forth such particulars as may be prescribed.

2. This notification is applicable only to the recipients of income on behalf of the Institution and not to any other receipt or income of such recipients. Taxability or, otherwise of the income of the Institution would be separately considered as per the provisions of the Income tax Act, 1961.

3. This notification is applicable for Assessment Year 2002-03 and onwards.

4. The above notification is liable to be rescinded by the Central Government if it is subsequently found that the activities of the Institution are not genuine or if they are not carried out in accordance with all or any of the conditions subject to which it was notified.

[Notification No. 12/2007/F.No. 197/123/2006-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 19 जनवरी, 2007

(आयकर)

का.आ. 341.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उप-खंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्द्वारा यह अधिसूचित करती है कि “इंडिया इंटरनेशनल सेंटर, 40, मैक्स मूलर मार्ग, नई दिल्ली” (इसके बाद “संस्था” कहा गया है) की ओर से किसी व्यक्ति द्वारा प्राप्त की गई कोई आय निम्नलिखित शर्तों के अधीन ऐसे व्यक्ति की कुल आय में शामिल नहीं की जाएगी :

(क) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहाँ इसकी पंद्रह प्रतिशत से अधिक आय अप्रैल, 2002 के पहले दिन में या उसके पश्चात् आय एकत्र की गई है, इसकी आय के संचयन की राशि के पंद्रह प्रतिशत से अधिक होने वाली अवधि किसी भी स्थिति में पाँच वर्ष से अधिक नहीं होनी चाहिए;

(ख) संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उप-धारा (5) में

विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से अपनी निधि (जुवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगी अथवा उसे जमा नहीं करेगा;

(ग) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारित उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हों;

(घ) संस्था आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आय कर प्राधिकारी के समक्ष दाखिल करेगी;

(ङ) संस्था के विघटन की स्थिति में इसकी अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

(च) जैसा कि धारा 288 की उप-धारा (2) के नीचे स्पष्टीकरण में परिभाषित किया गया है, संस्था किसी लेखाकर द्वारा अपने खातों की लेखा परीक्षा कराएगी तथा आय की विवरणी के साथ प्रस्तुत करेगी। ऐसी लेखा परीक्षा की रिपोर्ट, विहित प्रारूप में लेखाकार के द्वारा विधिवत् हस्ताक्षरित एवं सत्यापित एवं विहित किए गए यथा अपेक्षित ब्यौरों को प्रेषित करेगी।

2. यह अधिसूचना केवल संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी प्राप्ति अथवा आय पर। संस्था की कराधेयता अथवा अन्यथा आय पर, आयकर अधिनियम, 1961 के उपबंधों के अनुसार पृथक् रूप से विचार किया जाएगा।

3. यह अधिसूचना कर निर्धारण वर्ष 2006-07 एवं आगे के लिए लागू होगी।

4. उपर्युक्त अधिसूचना को केन्द्र सरकार के द्वारा निरस्त किया जा सकता है यदि यह बाद में पाया गया कि संस्था के क्रियाकलाप वैध नहीं हैं अथवा यदि उनका अनुपालन उन सभी अथवा उनमें से किन्हीं शर्तों के अनुसार नहीं किया जा रहा है जिनके आधार पर इसे अधिसूचित किया गया था।

[अधिसूचना सं. 13/2007/फा. सं. 197/17/2006—आ.क. नि.-I]

दीपक गर्ग, अवर सचिव

New Delhi, the 19th January, 2007

(INCOME TAX)

S.O. 341.—In exercise of powers conferred by the sub-clause (iv) of the Clause (23C) of Section 10 of the Income tax Act, 1961 (43 of 1961), the Central Government hereby notifies that any income received by any person on behalf of “India International Centre, 40, Max Muller Marg, New Delhi” (hereinafter the “Institution”) shall not be included in the total income of such person subject to the following conditions, namely:—

- (a) the Institution will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;
- (b) the Institution will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture, etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of the Section 11;
- (c) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the Institution and separate books of account are maintained in respect of such business;
- (d) the Institution will regularly file its return of income before the Income tax authority in accordance with the provisions of the Income tax Act, 1961;
- (e) that in the event of dissolution of the Institution, its surplus and the assets will be given to an organization with similar objectives.
- (f) The Institute will get its accounts audited by an accountant as defined in Explanation below sub-section (2) of Section 288 and furnish along with the return of Income. The report of such audit in the prescribed form duly signed and verified by such accountant and setting forth such particulars as may be prescribed.

2. This notification is applicable only to the recipients of income on behalf of the Institution and not to any other receipt or income of such recipients. Taxability or, otherwise of the income of the Institution would be separately considered as per the provisions of the Income tax Act, 1961.

3. This notification is applicable for Assessment Year 2007-08 and onwards.

4. The above notification is liable to be rescinded by the Central Government if it is subsequently found that the activities of the Institution are not genuine or if they are not carried out in accordance with all or any of the conditions subject to which it was notified.

[Notification No. 13/2007/ F.No. 197/17/2006-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 22 जनवरी, 2007

(आयकर)

का.आ. 342.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उप-खंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा यह अधिसूचित करती है

कि "राजा राममोहन रॉय लाइब्रेरी फाउंडेशन, ब्लॉक-डीडी-34, सेक्टर-1, सॉल्ट लेक सिटी, कोलकाता" (इसके बाद "संस्था" कहा गया है) की ओर से किसी व्यक्ति द्वारा प्राप्त की गई कोई आय निम्नलिखित शर्तों के अधीन ऐसे व्यक्ति की कुल आय में शामिल नहीं की जाएगी :

- (क) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहाँ इसकी पंद्रह प्रतिशत से अधिक आय अप्रैल, 2002 के पहले दिन में या उसके पश्चात् आय एकत्र की गई है, इसकी आय के संचयन की राशि के पंद्रह प्रतिशत से अधिक होने की अवधि किसी भी स्थिति में पाँच वर्ष से अधिक नहीं होनी चाहिए;
- (ख) संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उप-धारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक दंग अथवा तरीकों से अपनी निधि (ज्वर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगी अथवा उसे जमा नहीं करेगी;
- (ग) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगा, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हों;
- (घ) संस्था आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आय कर प्राधिकारी के समक्ष दाखिल करेगी;
- (ङ) संस्था के विघटन की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएँगी।
- (च) जैसा कि धारा 288 की उप-धारा (2) के नीचे स्पष्टीकरण में परिभाषित किया गया है, संस्था किसी लेखाकार द्वारा अपने खातों की लेखा परीक्षा कराएगी तथा आय की विवरणी के साथ प्रस्तुत करेगी। ऐसी लेखा परीक्षा की रिपोर्ट, विहित प्रारूप में लेखाकार के द्वारा विधिवत् हस्ताक्षरित एवं सत्यापित एवं विहित किए गए यथा अपेक्षित व्यौरों को प्रेषित करेगी।

2. यह अधिसूचना केवल संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी प्राप्ति अथवा आय पर। संस्था की कराधेयता अथवा अन्यथा आय पर, अधिनियम, 1961 के उपबंधों के अनुसार पृथक रूप से विचार किया जाएगा।

3. यह अधिसूचना कर निर्धारण वर्ष 2000-01 एवं आगे के लिए लागू होगी।

4. उपर्युक्त अधिसूचना को केन्द्र सरकार के द्वारा निरस्त किया जा सकता है यदि यह बाद में पाया गया कि संस्था के क्रियाकलाप वैध नहीं हैं अथवा यदि उनका अनुपालन उन सभी अथवा उनमें से किन्हीं शर्तों के अनुसार नहीं किया जा रहा है जिनके आधार पर इसे अधिसूचित किया गया था।

[अधिसूचना सं. 14/2007/फा.सं. 197/61/2006—आयकर नि.-I]

दीपक गर्ग, अवर सचिव

New Delhi, the 22nd January, 2007

(INCOME TAX)

S.O. 342.—In exercise of powers conferred by the sub-clause (iv) of the Clause (23C) of Section 10 of the Income tax Act, 1961 (43 of 1961), the Central Government hereby notifies that any income received by any person on behalf of "Raja Ram Mohan Roy Library Foundation, Block-DD-34 Sector-I, Salt Lake City, Kolkata" (hereinafter the "Institution") shall not be included in the total income of such person subject to the following conditions, namely:—

- (a) the Institution will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;
- (b) the Institution will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture, etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in anyone or more of the forms or modes specified in sub-section (5) of the Section 11;
- (c) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the Institution and separate books of account are maintained in respect of such business;
- (d) the Institution will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (e) that in the event of dissolution of the Institution, its surplus and the assets will be given to an organization with similar objectives;
- (f) the Institute will get its accounts audited by an accountant as defined in Explanation below sub-section (2) of Section 288 and furnish along with the return of Income. The report of such audit in the prescribed form duly signed and verified by such accountant and setting forth such particulars as may be prescribed.

2. This notification is applicable only to the recipients of income on behalf of the Institution and not to any other receipt or income of such recipients. Taxability or, otherwise of the income of the Institution would be separately considered as per the provisions of the Income-tax Act, 1961.

3. This notification is applicable for Assessment Year 2000-01 and onwards.

4. The above notification is liable to be rescinded by the Central Government if it is subsequently found that

the activities of the Institution are not genuine or if they are not carried out in accordance with all or any of the conditions subject to which it was notified.

[Notification No. 14/2007/F. No. 197/61/2004-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 25 जनवरी, 2007

(आयकर)

क्र.आ. 343.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उप-खंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्वारा यह अधिसूचित करती है कि "नेशनल इंस्टीट्यूट ऑफ पब्लिक फाइनैंस एंड पॉलिसी, 18/2, सत्संग विहार मार्ग, स्पेशल इंस्टीट्यूशनल एरिया, (जे एन यू के पास), नई दिल्ली-110067" (इसके बाद "संस्था" कहा गया है) की ओर किसी व्यक्ति द्वारा प्राप्त की गई कोई आय निम्नलिखित शर्तों के अध्वधीन ऐसे व्यक्ति की कुल आय में शामिल नहीं की जाएगी :

- (क) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहाँ इसकी पंद्रह प्रतिशत से अधिक आय अप्रैल, 2002 के पहले दिन में या उसके पश्चात् आय एकत्र की गई है, इसकी आय के संचयन की राशि के पंद्रह प्रतिशत से अधिक होने की अवधि किसी भी स्थिति में पाँच वर्ष से अधिक नहीं होनी चाहिए;
- (ख) संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उप-धारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से अपनी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करेगा;
- (ग) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगा, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हों;
- (घ) संस्था आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आय कर प्राधिकारी के समक्ष फाइल करेगा;
- (ङ) संस्था के विघटन की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।
- (च) जैसा कि धारा 288 की उप-धारा (2) के नीचे स्पष्टीकरण में परिभाषित किया गया है, संस्था किसी लेखाकर द्वारा अपने खातों की लेखा परीक्षा कराएगी तथा आय की विवरणी के साथ प्रस्तुत करेगी। ऐसी लेखा परीक्षा की रिपोर्ट, विहित प्रारूप में लेखाकार के द्वारा विधिवत हस्ताक्षरित एवं सत्यापित एवं विहित किए गए यथा अपेक्षित ब्यौरों को प्रेषित करेगी।

2. यह अधिसूचना केवल संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी प्राप्ति अथवा आय पर। संस्था की कराधेयता अथवा अन्यथा आय कर अधिनियम, 1961 के उपबंधों के अनुसार पृथक् रूप से विचार किया जाएगा।

3. यह अधिसूचना कर निर्धारण वर्ष 2002-03 एवं आगे के लिए लागू होगी।

4. उपर्युक्त अधिसूचना को केन्द्र सरकार के द्वारा निरस्त किया जा सकता है यदि यह बाद में पाया गया कि संस्था के क्रियाकलाप वैध नहीं हैं अथवा यदि उनका अनुपालन उन सभी अथवा उनमें से किन्हीं शर्तों के अनुसार नहीं किया जा रहा है जिनके आधार पर इसे अधिसूचित किया गया था।

[अधिसूचना सं. 15/2007/फा.सं. 197/121/2006—आयकर नि.-I]

दीपक गर्ग, अवर सचिव

New Delhi, the 25th January, 2007

(INCOME TAX)

S.O. 343.—In exercise of powers conferred by the sub-clause (iv) of the Clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies that any income received by any person on behalf of "National Institute of Public Finance and Policy, 18/2, Satsang Vihar Marg, Special Institutional Area, (Near JNU), New Delhi-110067" (hereinafter the "Institution") shall not be included in the total income of such person subject to the following conditions, namely :—

- (a) the Institution will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;
- (b) the Institution will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture, etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of the Section 11;
- (c) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the Institution and separate books of account are maintained in respect of such business;
- (d) the Institution will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (e) that in the event of dissolution of the Institution, its surplus and the assets will be given to an organization with similar objectives;

- (f) the Institute will get its accounts audited by an accountant as defined in Explanation below sub-section (2) of Section 288 and furnish along with the return of Income. The report of such audit in the prescribed form duly signed and verified by such accountant and setting forth such particulars as may be prescribed.

2. This notification is applicable only to the recipients of income on behalf of the Institution and not to any other receipt or income of such recipients. Taxability or, otherwise of the income of the Institution would be separately considered as per the provisions of the Income-tax Act, 1961.

3. This notification is applicable for Assessment Year 2002-03 and onwards.

4. The above notification is liable to be rescinded by the Central Government if it is subsequently found that the activities of the Institution are not genuine or if they are not carried out in accordance with all or any of the conditions subject to which it was notified.

[Notification No. 15/2007/F.No. 197/121/2006-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 31 जनवरी, 2007

(आयकर)

का.आ. 344.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उप-खंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्वारा यह अधिसूचित करती है कि "सेंटर फॉर डेवेलपमेंट एण्ड ह्यूमन राइट्स, ब्यू-1ए, हौज खास एनक्लेव, नई दिल्ली" (इसके बाद "संस्था" कहा गया है) की ओर से किसी व्यक्ति द्वारा प्राप्त की गई कोई आय निम्नलिखित शर्तों के अधीन ऐसे व्यक्ति की कुल आय में शामिल नहीं की जाएगी :

- (क) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहाँ इसकी पंद्रह प्रतिशत से अधिक आय अप्रैल, 2002 के पहले दिन में या उसके पश्चात् आय एकत्र की गई है, इसकी आय के संचयन की राशि के पंद्रह प्रतिशत से अधिक होने की अवधि किसी भी स्थिति में पाँच वर्ष से अधिक नहीं होनी चाहिए;
- (ख) संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उप-धारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से अपनी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करेगा;
- (ग) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगा, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब

तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हों;

(घ) संस्था आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आय कर प्राधिकारी के समक्ष फाइल करेगा;

(ङ) संस्था के विघटन की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी।

(च) जैसा कि धारा 288 की उप-धारा (2) के नीचे स्पष्टीकरण में परिभाषित किया गया है, संस्था किसी लेखाकर द्वारा अपने खातों की लेखा परीक्षा कराएगी तथा आय की विवरणी के साथ प्रस्तुत करेगी। ऐसी लेखा परीक्षा की रिपोर्ट, विहित प्रारूप में लेखाकार के द्वारा विधिवत हस्ताक्षरित एवं सत्यापित एवं विहित किए गए यथा अपेक्षित व्यौरों को प्रेषित करेगी।

2. यह अधिसूचना केवल संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी प्राप्ति अथवा आय पर। संस्था की कराधेयता अथवा अन्यथा आय पर, आयकर अधिनियम, 1961 के उपबंधों के अनुसार पृथक रूप से विचार किया जाएगा।

3. यह अधिसूचना कर निर्धारण वर्ष 2002-03 एवं आगे के लिए लागू होगी।

4. उपर्युक्त अधिसूचना को केन्द्र सरकार के द्वारा निरस्त किया जा सकता है यदि यह बाद में पाया गया कि संस्था के क्रियाकलाप वैध नहीं हैं अथवा यदि उनका अनुपालन उन सभी अथवा उनमें से किन्हीं शर्तों के अनुसार नहीं किया जा रहा है जिनके आधार पर इसे अधिसूचित किया गया था।

5. दिनांक 12-9-2006 की पूर्व अधिसूचना संख्या 248/2006 का अधिक्रमण करती है।

[अधिसूचना सं. 17/2007/फा.सं. 197/78/2005-आयकर नि.-I]

दीपक गर्ग, अवर सचिव

New Delhi, the 31st January, 2007

(INCOME TAX)

S.O. 344.—In exercise of powers conferred by the sub-clause (iv) of the clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies that any income received by any person on behalf of "Centre for Development and Human Rights, Q-1A Hauz Khas Enclave, New Delhi" (hereinafter the "Institution") shall not be included in the total income of such person subject to the following conditions :

(a) the Institution will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;

(b) the Institution will not invest or deposit its fund (other than voluntary contributions received and

maintained in the form of jewellery, furniture, etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in anyone or more of the forms or modes specified in sub-section (5) of the Section 11;

(c) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the Institution and separate books of account are maintained in respect of such business;

(d) the Institution will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;

(e) that in the event of dissolution of the Institution, its surplus and the assets will be given to an organization with similar objectives.

(f) The Institute will get its accounts audited by an accountant as defined in Explanation below sub-section (2) of Section 288 and furnish along with the return of Income. The report of such audit in the prescribed form duly signed and verified by such accountant and setting forth such particulars as may be prescribed.

2. This notification is applicable only to the recipients of income on behalf of the Institution and not to any other receipt or income of such recipients. Taxability or, otherwise of the income of the Institution would be separately considered as per the provisions of the Income-tax Act, 1961.

3. This notification is applicable for Assessment Years 2002-03 and onwards.

4. The above notification is liable to be rescinded by the Central Government, if it is subsequently found that the activities of the Institution are not genuine or if they are not carried out in accordance with all or any of the conditions subject to which it was notified.

5. This notification is in super-session of the earlier notification no. 248/2006 dated 12-09-2006

[Notification No. 17/2007/F. No. 197/78/2005-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 31 जनवरी, 2007

(आयकर)

का.आ. 345.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उप-खंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा यह अधिसूचित करती है कि "पापुलेशन सर्विसेज इंटरनेशनल, सी 445, चितरंजन पार्क, नई दिल्ली" (इसके बाद "संस्था" कहा गया है) की ओर से किसी व्यक्ति द्वारा प्राप्त की गई कोई आय निम्नलिखित शर्तों के अध्वधीन ऐसे व्यक्ति की कुल आय में शामिल नहीं की जाएगी :

(क) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहाँ इसकी पंद्रह प्रतिशत से अधिक आय अप्रैल, 2002 के पहले दिन में या उसके

परचात आय एकत्र की गई है, इसकी आय के संचयन की राशि के पन्द्रह प्रतिशत से अधिक होने की अवधि किसी भी स्थिति में पाँच वर्ष से अधिक नहीं होनी चाहिए;

- (ख) संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उप-धारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से अपनी निधि (ज्वेयर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करेगा;
- (ग) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगा, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हों;
- (घ) संस्था आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आय कर प्राधिकारी के समक्ष फाइल करेगा;
- (ङ) संस्था के विघटन की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी।
- (च) जैसा कि धारा 288 की उप-धारा (2) के नीचे स्पष्टीकरण में परिभाषित किया गया है, संस्था किसी लेखाकर द्वारा अपने खातों की लेखा परीक्षा कराएगी तथा आय की विवरणी के साथ प्रस्तुत करेगी। ऐसी लेखा परीक्षा की रिपोर्ट, विहित प्रारूप में लेखाकार के द्वारा विधिवत हस्ताक्षरित एवं सत्यापित एवं विहित किए गए यथा अपेक्षित व्यौरों को प्रेषित करेगी।

2. यह अधिसूचना केवल संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी प्राप्ति अथवा आय पर। संस्था की कराधेयता अथवा अन्यथा आय पर, आयकर अधिनियम, 1961 के उपबंधों के अनुसार पृथक रूप से विचार किया जाएगा।

3. यह अधिसूचना कर निर्धारण वर्ष 2002-03 एवं आगे के लिए लागू होगी।

4. उपर्युक्त अधिसूचना को केन्द्र सरकार के द्वारा निरस्त किया जा सकता है यदि यह बाद में पाया गया कि संस्था के क्रियाकलाप वैध नहीं हैं अथवा यदि उनका अनुपालन उन सभी अथवा उनमें से किन्हीं शर्तों के अनुसार नहीं किया जा रहा है जिनके आधार पर इसे अधिसूचित किया गया था।

[अधिसूचना सं. 18/2007/फा.सं. 197/75/2006—आयकर नि.-I]

दीपक गर्ग, अवर सचिव

New Delhi, the 31st January, 2007

(INCOME TAX)

S.O. 345.—In exercise of powers conferred by the sub-clause (iv) of the Clause (23C) of Section 10 of the Income tax Act, 1961 (43 of 1961), the Central Government hereby notifies that any income received by any person on behalf of "Population Services International, C-445, Chitranjan Park, New Delhi" (hereinafter the "Institution")

shall not be included in the total income of such person subject to the following conditions :

- (a) the Institution will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;
- (b) the Institution will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture, etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of the section 11;
- (c) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the Institution and separate books of account are maintained in respect of such business;
- (d) the Institution will regularly file its return of income before the Income tax authority in accordance with the provisions of the Income tax Act, 1961;
- (e) that in the event of dissolution of the Institution, its surplus and the assets will be given to an organization with similar objectives.
- (f) The Institute will get its accounts audited by an accountant as defined in Explanation below sub-section (2) of section 288 and furnish along with the return of Income. The report of such audit in the prescribed form duly signed and verified by such accountant and setting forth such particulars as may be prescribed.

2. This notification is applicable only to the recipients of income on behalf of the Institution and not to any other receipt or income of such recipients. Taxability or, otherwise of the income of the Institution would be separately considered as per the provisions of the Income-tax Act, 1961.

3. The notification is applicable for Assessment Years 2002-03 and onwards.

4. The above notification is liable to be rescinded by the Central Government, if it is subsequently found that the activities of the Institution are not genuine or if they are not carried out in accordance with all or any of the conditions subject to which it was notified.

[Notification No. 18/2007/F. No. 197/75/2006-ITA-I]

DEEPAK GARG, Under Secy.

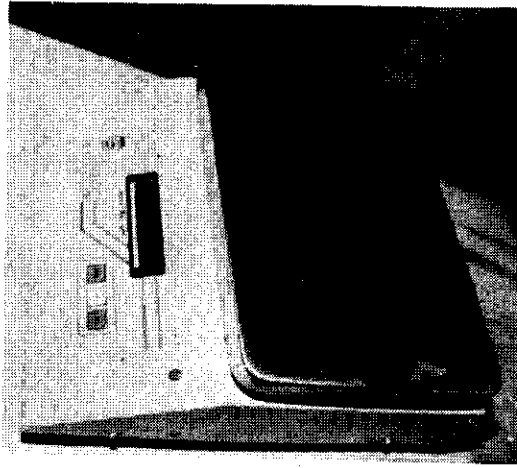
उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

नई दिल्ली, 21 नवम्बर, 2006

का.आ. 346.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स आटो इलेक्ट्रॉनिक वेराइटी इंस्ट्रूमेंट वैइंग स्कूल आर्टिकल प्रोड्यूसर, एसआर नं. 287, खेडगांव (नंड़ीच) तह. पचोरा, डिस्ट्रिक्ट जलगांव-424 201 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “ए टी टी” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “एवीवा” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/523; समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है ;



उक्त मॉडल विकृत गेज प्रकार का लोड सेल आधारित (टेबल टॉप प्रकार-ड्यूल रेंज) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 40 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 15 कि. ग्रा. तक 2 ग्रा. और 15 कि. ग्रा. से अधिक तथा 30 कि. ग्रा. तक 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्ध भी किया जाएगा और मॉडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यहाँ घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 ग्रा. से 2 ग्रा. तक “ई” मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में मापमान अंतराल (एन) सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(139)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

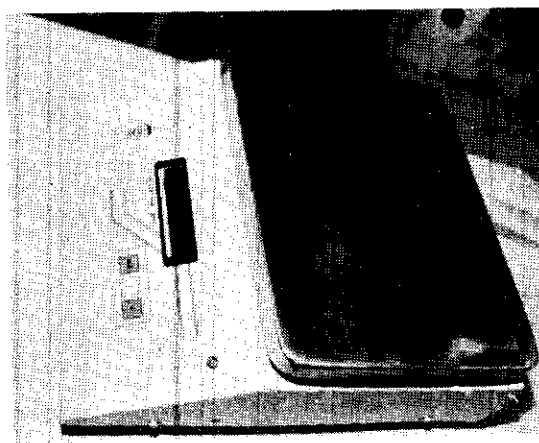
MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

New Delhi, the 21st November, 2006

S.O. 346.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic (Table top type) weighing instrument with digital indication of "ATT" series of medium accuracy (Accuracy class III) and with brand name "AVIWA" (herein referred to as the said Model), manufactured by M/s. Auto Electronic Variety Instrument Weighing Scale Article Producer, Sr. No. 287, Khedgaon (Nandiche), Tal. Pachora, Dist. Jalgaon-424 201 and which is assigned the approval mark IND/09/06/523;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop type—dual range) with a maximum capacity of 30 kg. and minimum capacity of 40g. The verification scale interval (e) is 2 g. up to 15 kg. and 5g. above 15kg. and up to 30kg. It has a tare device with 100 per cent subtractive retained tare effect. The light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg. to 2g. or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(139)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 23 जनवरी, 2007

का.आ. 347.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स विजय डिजिटल सिस्टम, डब्ल्यू नं. 18, एच नं. 637/1-2, स्टेशन रोड, डा. बाबा साहेब अम्बेडकर मूर्ति के पास, इकालकारनाजी-416115 कोरगापुर जिला, महाराष्ट्र द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “टी टी एम-15” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म के लिए कंजर्वेशन किट) के मॉडल का, जिसके ब्रांड का नाम “वीडीएस” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/794; समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृत गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म के लिए कंजर्वेशन किट) है। इसकी अधिकतम क्षमता 500 कि.ग्रा. और न्यूनतम क्षमता 4 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 200 ग्रा. है। इसमें एक आधेयतुलन युक्त है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपलन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 50 कि.ग्रा. से अधिक और 1000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

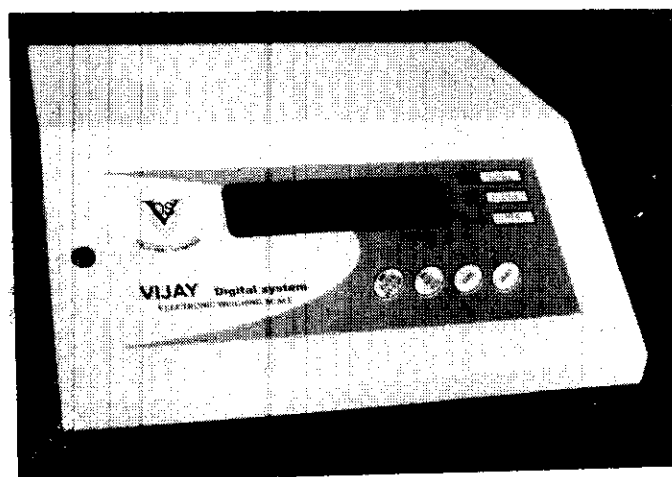
[फा. सं. डब्ल्यू एम-21(326)/2001]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 23rd January, 2007

S.O. 347.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Conversion kit for platform) with "TM-500" series belonging to medium accuracy (Accuracy class III) and with brand name "VDS" manufactured by M/s. Vijay Digital System, W. No. 18, H. No. 637/1-2, Station Road, Near Dr. Babashaheb Ambedkar Statue, Ichalkarnaji-416115, Kolhapur District, Maharashtra and which is assigned the approval mark IND/09/05/794;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (conversion kit for platform) with a maximum capacity of 500 kg. and minimum capacity of 4 kg. The verification scale interval (e) is 200 g. It has a tare device with a 100 per cent subtractive retained tare effect. The instrument operates on 230 Volts, and 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 50kg. and up to 1000 kg. with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 50g or more and with (e) value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

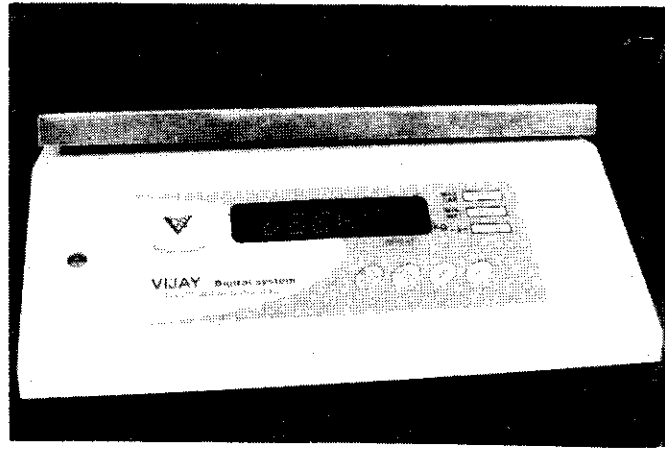
[F. No. WM-21(326)/2001]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 23 जनवरी, 2007

का.आ. 348.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स विजय डिजिटल सिस्टम, डब्ल्यू नं. 18, एच नं. 637/1-2, स्टेशन रोड, डॉ. बाबा साहेब अम्बेडकर मूर्ति के पास, इकालकारनाजी-416115, कोल्हापुर जिला, महाराष्ट्र द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले “टी टी एम-15” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “वीडीएस” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/793; समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती हैं।



उक्त मॉडल विकृत गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) है। इसकी अधिकतम क्षमता 15 कि. ग्रा. और न्यूनतम क्षमता 50 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 1 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यहाँ यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक “ई” मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के “ई” मान के लिये 5,000 से 50,000 तक की रेंज में मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

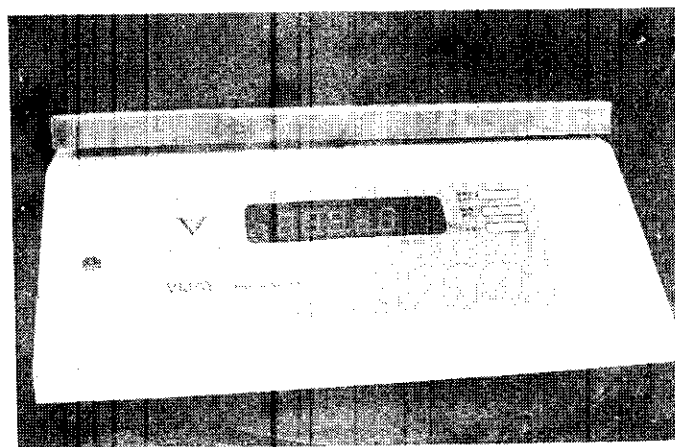
[फा. सं. डब्ल्यू.एम्-21(326)/2001]

आर. माथुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 23rd January, 2007

S.O. 348—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of series "TTM-15" of high accuracy (Accuracy class II) and with brand name "VDS" manufactured by M/s. Vijay Digital System, W. No. 18, H. No. 637/1-2, Station Road, Near Dr. Babashach Ambekar Statue, Ichalkarnaji-416115, Kolhapur District, Maharashtra and which is assigned the approval mark IND/09/05/793;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 15 kg. and minimum capacity of 50 g. The verification scale interval (e) is 1 g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity up to 50kg and with number of verification scale interval (n) in the range of 100 to 5,000 for 'e' value of 1 mg. to 50 mg. and with number of verification scale interval (n) in the range of 5,000 to 50,000 for 'e' value of 100 mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(326)/2001]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 23 जनवरी, 2007

का.आ. 349.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स विजय डिजिटल सिस्टम, डब्ल्यू नं. 18, एच नं. 637/1-2, स्टेशन रोड, डॉ. बाबा साहेब अम्बेडकर मूर्ति के पास, इकालकारनाजी-416115, कांल्हापुर जिला, महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “टी एम-30 टी” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (वेब्रिज कनवर्जन किट प्रकार) के मॉडल का, जिसके ब्रांड का नाम “वीडीएस” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/795 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृत गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (वेब्रिज कनवर्जन किट प्रकार) है। इसकी अधिकतम क्षमता 30,000 कि.ग्रा. और न्यूनतम क्षमता 200 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 10 कि.ग्रा. है। इसमें एक आधेयतुलन युक्त है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्टज प्रत्यावर्ती धारा विधुत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का विनिर्मात किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि.ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में मापमान अंतराल (एन) सहित 5 टन से अधिक और 100 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

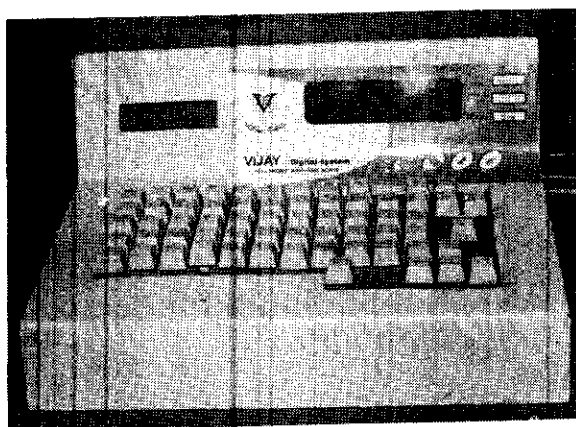
[फा. सं. डब्ल्यू एम-21(326)/2001]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 23rd January, 2007

S.O. 349.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Conversion kit for weighbridge) with digital indication belonging to medium accuracy (Accuracy class III) of "TM-30 T" series with brand name "VDS" manufactured by M/s. Vijay Digital System, W. No. 18, H. No. 637/1-2, Station Road, Near Dr. Babashach Ambedkar Statue, Ichalkarnaji-416115, Kolhapur District, Maharashtra and which is assigned the approval mark IND/09/05/795;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (conversion kit for weighbridge) with a maximum capacity of 30,000 kg. and minimum capacity of 200 kg. The verification scale interval (e) is 10 kg. It has a tare device with 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and upto 100 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 kg. or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

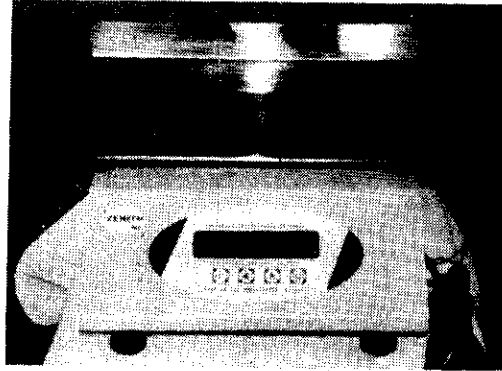
[F. No. WM-21(326)/2001]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 30 नवम्बर, 2006

का.आ. 350.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स जेनिथ स्केल्स एण्ड सिस्टम्स, ह.न. 52, नाथू कालोनी, बल्लभगढ़ (फरीदाबाद), हरियाणा-121 004 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले “जेड एस टी” शृंखला के अंकक सूचन सहित, अस्वाचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “जेनिथ आई एन डी” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/540 समानुद्देशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृत गेज प्रकार का लोड सेल आधारित (टेबल टॉप प्रकार) अस्वाचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 20 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्त है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाईन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जायेगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यहाँ घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि.ग्रा. तक “ई” मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के “ई” मान के लिये 5000 से 50000 तक की रेंज में मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

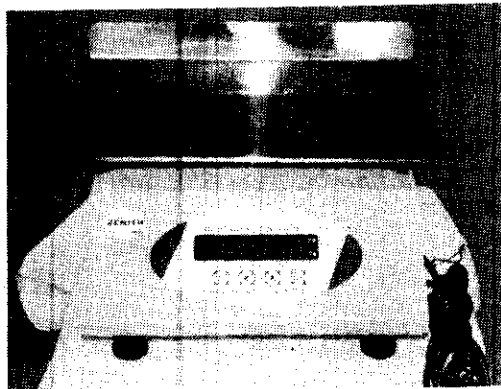
[फा. सं. डब्ल्यू एम-21(213)/2006]

आर. माथुरबुधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th November, 2006

S.O. 350.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of "ZST" series of high accuracy (Accuracy class II) and with brand name "ZENITH IND" (herein referred to as the said model), manufactured by M/s. Zenith Scales & Systems, H. No. 52, Nathu Colony, Ballabhgarh (Faridabad), Haryana-121 004 and which is assigned the approval mark IND/09/06/540;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 20 kg. and minimum capacity of 100 g. The verification scale interval (e) is 2 g. It has a tare device with 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply;

In addition to sealing the stamping plate sealing shall also be done to prevent from opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity up to 50 kg. and with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1 mg. to 50 mg. and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg. or more with 'e' value 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

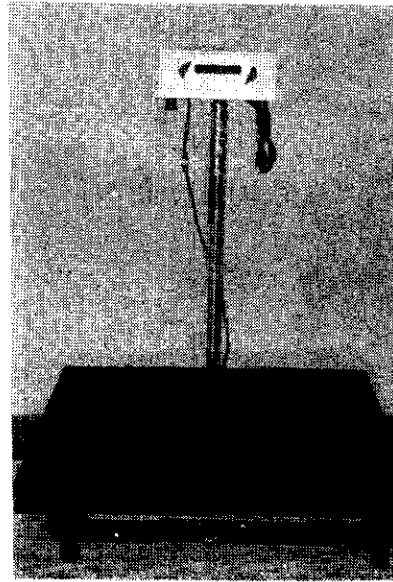
[F. No. WM-21(213)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 30 नवम्बर, 2006

का.आ. 351.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स जेनिथ स्केल्स एण्ड सिस्टम्स, ह.न. 52, नाथू कालोनी, बल्लभगढ़ (फरीदाबाद), हरियाणा-121004 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “जेड एस पी” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफाम प्रकार) के मॉडल का, जिसके ब्रांड का नाम “जेनिथ आई एन डी” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन विह आई एन डी/09/06/541 समानुद्देशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृत गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विधुत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जायेगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

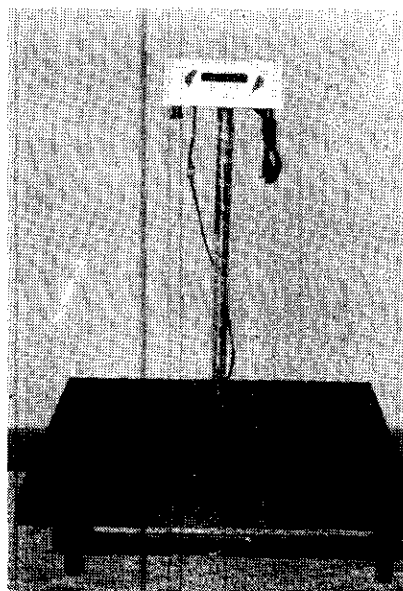
[फा. सं. डब्ल्यू एम-21(213)/2006]

आर. माधुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th November, 2006

S.O. 351.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of self indicating, non-automatic (Platform type) weighing instrument with digital indication of "ZSP" series of medium accuracy (Accuracy class-III) and with brand name "ZENITH IND" (herein referred to as the said Model), manufactured by M/s. Zenith Scales and Systems, H. No. 52, Nathu Colony, Ballabhgarh (Faridabad), Haryana-121004 and which is assigned the approval mark IND/09/06/541;



The said Model is a strain gauge type load cell based non-automatic weighing instrument with a maximum capacity of 1000 kg. and minimum capacity of 2 kg. The verification scale interval (e) is 100 g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices and Model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of same series with maximum capacity above 50 kg. and up to 5000 kg. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g. or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

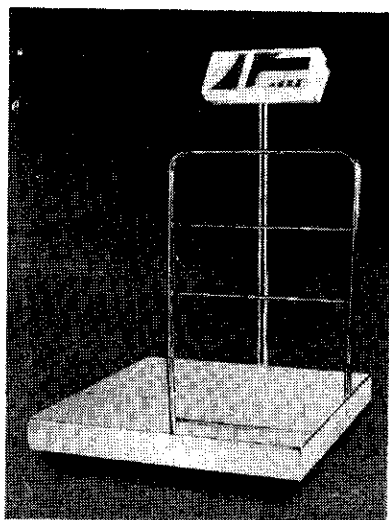
[F. No. WM-21(213)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 30 नवम्बर, 2006

का.आ. 352.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सफलया डिजिटल सिस्टमस, गणेश चित्र मन्दिर के पीछे, किरिओसकर वाडी, रामानन्द नगर पोस्ट, तह. पालुस, जिला सांगली, महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “टी ए पी” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “तनिष्क” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/162 समानुद्देशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल व्यक्ति गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बेचने से पाले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जायेगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यहाँ यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

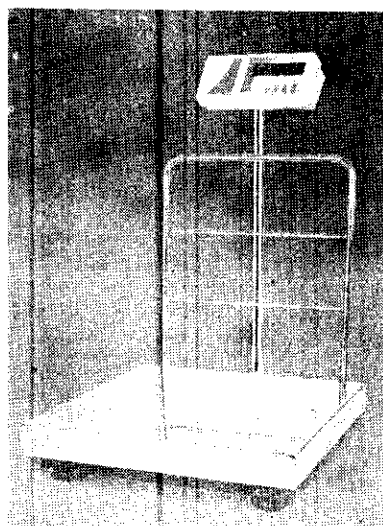
[फा. सं. डब्ल्यूएम-21(4)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th November, 2006

S.O. 352.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Platform type) with digital indication of medium accuracy (Accuracy class III) of series "TAP" and with brand name "TANISHQ" (hereinafter referred to as the said model), manufactured by M/s. Saphalaya Digital Systems, B/H Ganesh Chitra Mandir, Kirioskar Wadi, Post-Ramanand Nagar, Ta. Palus, District-Sangali, Maharashtra and which is assigned the approval mark IND/09/06/162;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000 kg. and minimum capacity of 2 kg. The verification scale interval (e) is 100 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and up to 5000 kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and 'e' value 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

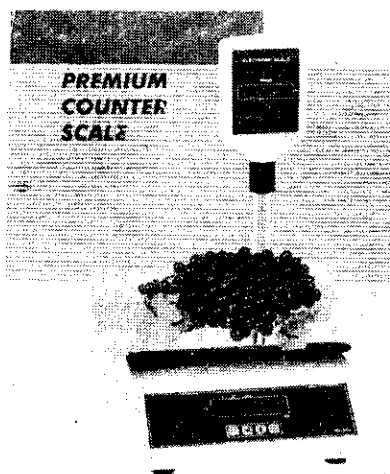
[F. No. WM-21(4)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 30 नवम्बर, 2006

का.आ. 353.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सफलिया डिजिटल सिस्टमस, गणेश चित्रा मन्दिर के पीछे, किरिओसकर वाडी, रामानन्द नगर पोस्ट, तह. पालुस, जिला सांगली, महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “टी ए टी” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टोप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “तनिष्क” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/161 समानुद्देशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृत गेज प्रकार का लोड सेल आधारित (टेबल टोप प्रकार) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्टज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जायेगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) में प्रदत्त शक्तियों का प्रयोग करते हुए यहाँ घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक “ई” मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिये 500 से 10000 तक की रेंज में मापमान अंतराल (एन) सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

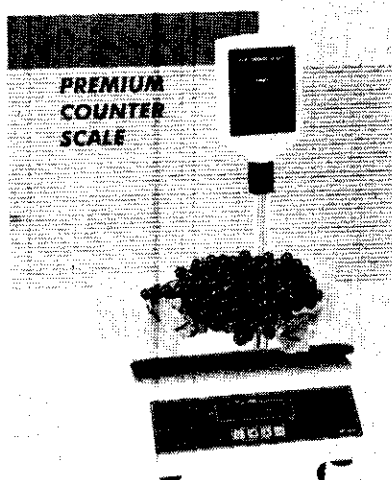
[फा. सं. डब्ल्यू एम-21(4)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th November, 2006

S.O. 353—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top) with digital indication of medium accuracy (Accuracy class III) of series "TAP" and with brand name "TANISHQ" (hereinafter referred to as the said model), manufactured by M/s. Saphalaya Digital Systems, B/H Ganesh Chitra Mandir, Kirioskar Wadi, Post-Ramanand Nagar, Ta. Palus, District-Sangali, Maharastra and which is assigned the approval mark IND/09/06/161;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value 5g or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

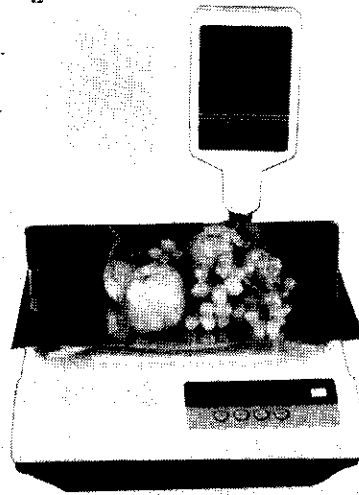
[F. No. WM-21(4)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 30 नवम्बर, 2006

का.आ. 354.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सफलिया डिजिटल सिस्टम्स, गणेश चित्रा मन्दिर के पीछे, किरिओसकर वाडी, रामानन्द नगर पोस्ट, तह. पालुस, जिला सांगली, महाराष्ट्र द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले “टी ए टी टी” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टोप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “तनिष्क” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/160 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है ;



उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित (टेबल टोप प्रकार) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 11 कि. ग्रा. और न्यूनतम क्षमता 50 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 1 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्ध भी किया जाएगा और मॉडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यहाँ घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक “ई” मान के लिए 100 से 50000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के “ई” मान के लिये 5,000 से 50,000 तक की रेंज में मापमान अंतराल (एन) सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

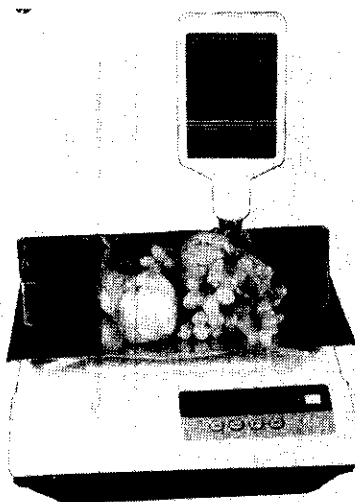
[फा. सं. डब्ल्यू एम-21(04)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th November, 2006

S.O. 354.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of high accuracy (Accuracy class-II) of series "TATT" and with brand name "TANISHQ" (hereinafter referred to as the said Model), manufactured by M/s. Saphalaya Digital Systems, B/H Ganesh Chitra Mandir, Kirioskar Wadi, Post-Ramanand Nagar, Ta. Palus, District-Sangali, Maharashtra and which is assigned the approval mark IND/09/06/160;



The said Model is a strain gauge load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 11 kg. and minimum capacity of 50 kg. The verification scale interval (e) is 1 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices and Model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg to 50 mg and with verification scale interval (n) in the range of 5,000 to 50,000 for 'e' value of 100 mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved said Model has been manufactured.

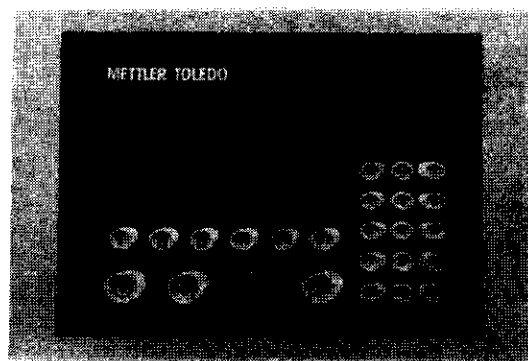
[F. No. WM-21(04)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 28 नवम्बर, 2006

का.आ. 355.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मेटलर टोलेडो इंडिया प्राइवेट लिमिटेड, अमर हिल्स, साकी विहार रोड, पावई, मुम्बई-400072 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले “आई एन डी 4x9” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “मेटलर टोलेडो” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/527 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है ;



उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 1,000 कि.ग्रा. और न्यूनतम क्षमता 2.5 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलात्मक धारित आधेयतुलन प्रभाव है। लिक्विड क्रिस्टल डायोड (एल सी डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) में प्रदत्त शक्तियों का प्रयोग करते हुए, यहाँ घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक के “ई” मान के लिए 100 से 50,000 तक की रेंज में मापमान अंतराल (एन) तथा 100 मि.ग्रा. या उससे अधिक के “ई” मान के लिये 5,000 से 50,000 तक की रेंज में मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5,000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

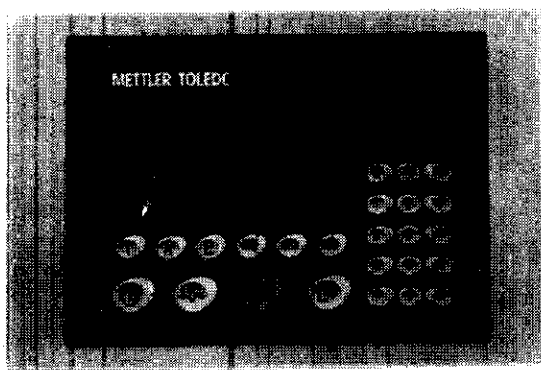
[फा. सं. डब्ल्यू एम-21(197)/2006]

आर. माथुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 28th November, 2006

S.O. 355.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Platform type) with digital indication of “IND 4×9” series of high accuracy (Accuracy class II) and with brand name “METTLER TOLEDO” (hereinafter referred to as the said Model), manufactured by M/s. Mettler-Toledo India Private Limited, Amar Hills, Saki Vihar Road, Powai, Mumbai-400072 and which is assigned the approval mark IND/09/06/527;



The said Model is a strain gauge type load cell based weighing instrument with a maximum capacity of 1,000 kg. and minimum capacity of 2.5kg. The verification scale interval (e) is 50 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Liquid Crystal Display (LCD) display indicates the weighing results. The Instrument operates on 230 Volts, 50 Hertz alternative current power supply. In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and Model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, and performance of same series with maximum capacity above 50kg and up to 5,000 kg and with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg to 50mg and with verification scale interval (n) in the range of 5,000 to 50,000 for 'e' value of 100mg. or more and 'e' value of the form 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

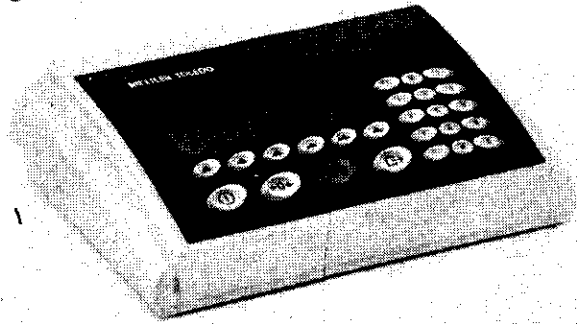
[F. No. WM-21(197)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 28 नवम्बर, 2006

का.आ. 356.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स मेटलर टोलेडो इंडिया प्राइवेट लिमिटेड, अमर हिल्स, साकी विहार रोड, पावई, मुम्बई-400072 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "आई एन डी 4x9" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टोप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "मेटलर टोलेडो" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/526 समानुद्देशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त मॉडल विकृत गेज प्रकार का लोड सेल आधारित तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। लिक्विड क्रिस्टल डायोड (एल सी डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्टज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) में प्रदत्त शक्तियों का प्रयोग करते हुए, यहाँ घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिमता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक के "ई" मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) तथा 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिये 5000 से 50,000 तक की रेंज में मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

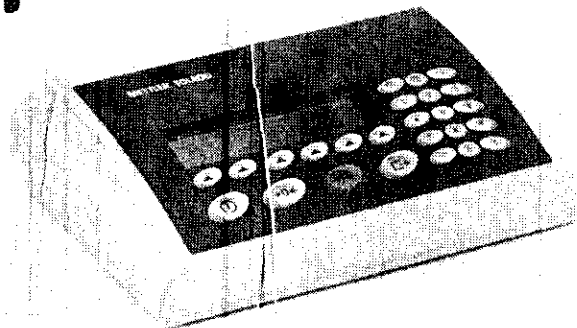
[फा. सं. डब्ल्यू एम-21(197)/2006]

आर. माथुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 28th November, 2006

S.O. 356.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table Top type) with digital indication of “IND 4×9” series of high accuracy (Accuracy class-II) and with brand name “Mettler Toledo” (hereinafter referred to as the said Model), manufactured by M/s. Mettler-Toledo India Private Limited, Amar Hills, Saki Vihar Road, Powai, Mumbai-400072 and which is assigned the approval mark IND/09/06/526;



The said Model is a strain gauge type load cell based weighing instrument with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 2 g. It has tare device with a 100 per cent subtractive retained tare effect. The Liquid Crystal Display (LCD) display indicates the weighing results. The Instrument operates on 230 Volts, and 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices and Model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, and performance of same series with maximum capacity upto 50kg. and up with number of verification scale interval (n) in the range of 100 to 50000 for 'e' value of 1mg. to 50mg. and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg. or more and 'e' value of the form 1×10^k , 2×10^k or 5×10^k , where k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

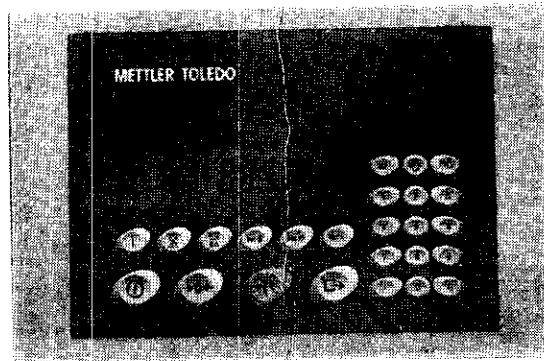
[F. No. WM-21(197)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 28 नवम्बर, 2006

का.आ. 357.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स मेटलर टोलेडो इंडिया प्राइवेट लिमिटेड, अमर हिल्स, साकी विहार रोड, पावई, मुम्बई-400072 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले “आई एन डी 4x5” श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “मेटलर टोलेडो” है (जिसे इसमें इससे पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/525 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त मॉडल विकृत गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 2.5 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। लिक्विड क्रिस्टल डायोड (एल सी डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) में प्रदत्त शक्तियों का प्रयोग करते हुए, यहाँ घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक के “ई” मान के लिए 100 से 50,000 तक की रेंज में मापमान अंतराल (एन) तथा 100 मि.ग्रा. या उससे अधिक के “ई” मान के लिये 5000 से 50,000 तक की रेंज में मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि. ग्रा. तक की रेंज तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

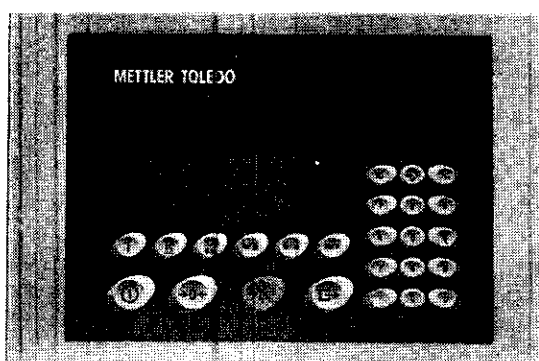
[फा. सं. डब्ल्यू एम-21(197)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 28th November, 2006

S.O. 357.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Platform type) with digital indication of "IND 4x5" series of high accuracy (Accuracy class-II) and with brand name "Mettler Toledo" (hereinafter referred to as the said model), manufactured by M/s. Mettler-Toledo India Private Limited, Amar Hills, Saki Vihar Road, Powai, Mumbai-400072 and which is assigned the approval mark IND/09/06/525;



The said Model is a strain gauge type load cell based weighing instrument with a maximum capacity of 1000 kg. and minimum capacity of 2.5kg. The verification scale interval (e) is 50g. It has a tare device with a 100 per-cent subtractive retained tare effect. The Liquid Crystal Display (LCD) display indicates the weighing results. The Instrument operates on 230 Volts, 50-Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices and Model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity above 50kg. and up to 5000 kg. and with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg. to 50mg. and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg. or more and 'e' value of the form 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

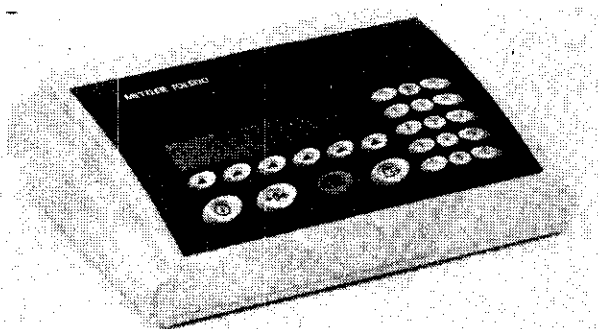
[F. No. WM-21(197)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 28 नवम्बर, 2006

का.आ. 358.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मेटलर टोलेडो इंडिया प्राइवेट लिमिटेड, अमर हिल्स, साकी विहार रोड, पावई, मुम्बई-400072 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "आई एन डी 4x5" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "मेटलर टोलेडो" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/524; समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है ;



उक्त मॉडल विकृत गेज प्रकार का लोड सेल आधारित तोलन उपकरण है इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। लिक्विड क्रिस्टल डायोड (एल सी डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्टज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) में प्रदत्त शक्तियों का प्रयोग करते हुए, यहाँ घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही सेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक के "ई" मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) तथा 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिये 5000 से 50000 तक की रेंज में मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

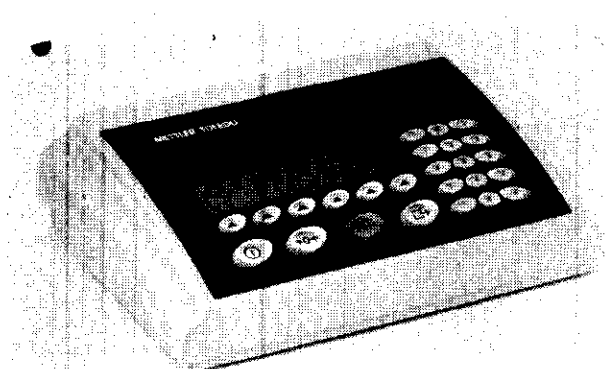
[फा. सं. डब्ल्यू एम-21(197)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 28th November, 2006

S.O. 358.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table Top type) with digital indication of "IND 4x5" series of high accuracy (Accuracy class II) and with brand name "METTLER TOLEDO" (hereinafter referred to as the said Model), manufactured by M/s. Mettler-Toledo India Private Limited, Amar Hills, Saki Vihar Road, Powai, Mumbai-400072 and which is assigned the approval mark IND/09/06/524;



The said Model is a strain gauge type load cell based weighing instrument with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 2 g. It has tare device with a 100 percent subtractive retained tare effect. The Liquid Crystal Display (LCD) display indicates the weighing result. The Instrument operates on 230 Volts, and 50 Hertz alternative current power supply. In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, and performance of same series with maximum capacity upto 50kg and with number of verification scale interval (n) in the range of 100 to 50000 for 'e' value of 1mg to 50mg and with verification scale interval (n) in the range of 5000 to 50000 for 'e' value of 100mg or more and 'e' value of the form 1×10^k , 2×10^k or 5×10^k , where k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved said Model has been manufactured.

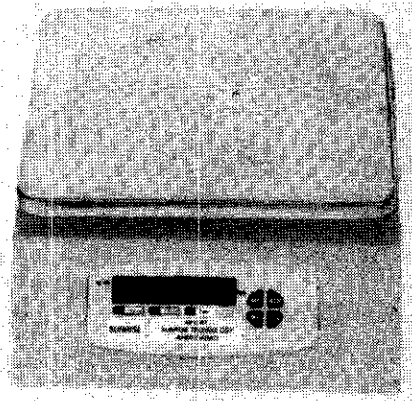
[F. No. WM-21(197)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 1 दिसम्बर, 2006

का.आ. 359.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सनराइज टेक्नोलॉजी, सी/एस/29, महेश्वरी अपार्टमेंट, पुरुषोत्तम नगर, सुभाष ब्रिज, अहमदाबाद, गुजरात द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले “एस टी-5” श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “सनराइज” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/394; समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है ;



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित (अस्वचालित टेबल टॉप प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 11 कि.ग्रा. और न्यूनतम क्षमता 50 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 1 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित/परिवर्धित नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) में प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक “ई” मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के “ई” मान के लिये 5000 से 50000 तक की रेंज में सत्यापन मान सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^6 , 2×10^6 या 5×10^6 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

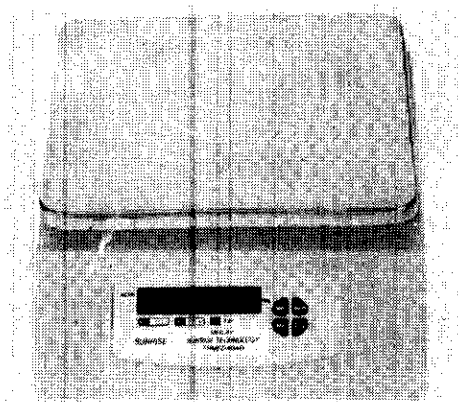
[फा. सं. डब्ल्यू.एम-21(112)/2006]

आर. माथुरबुधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st December, 2006

S.O. 359.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table Top type) with digital indication of high accuracy (Accuracy class II) of series "ST-5" and with brand name "SUNRISE" (hereinafter referred to as the said Model), manufactured by M/s. Sunrise Technology, C/S/29, Maheshwari Apartments, Purshotamnagar, Subhash Bridge, Ahmedabad, Gujarat and which is assigned the approval mark IND/09/06/394;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 11 kg. and minimum capacity of 50g. The verification scale interval (e) is 1 g. It has tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The Instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram working principle, etc. before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50kg with number of verification scale interval (n) in the range of 100 to 50000 for 'e' value of 1mg to 50mg and with verification scale interval (n) in the range of 5000 to 50000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, said the approved Model has been manufactured.

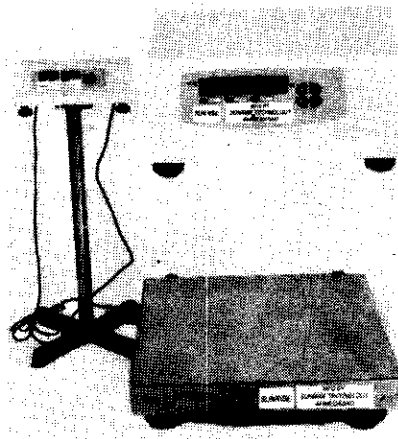
[F. No. WM-21(112)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 1 दिसम्बर, 2006

का.आ. 360.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सनराइज टेक्नोलॉजी, सी/एस/29, महेश्वरी अपार्टमेंट, पुरुषोत्तम नगर, सुभाष ब्रिज, अहमदाबाद, गुजरात द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “एस टी-13” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “सनराइज” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/395; समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित (अस्वचालित प्लेटफार्म प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित/परिवर्धित नहीं किया जाएगा।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) में प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

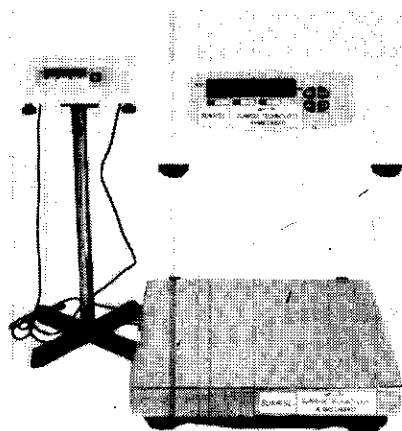
[फा. सं. डब्ल्यू एम-21(112)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st December, 2006

S.O. 360.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of medium accuracy (Accuracy class III) of series "ST-13" and with brand name "SUNRISE" (hereinafter referred to as the said Model), manufactured by M/s. Sunrise Technology, C/S/29, Maheshwari Apartments, Purshotamnagar, Subhash Bridge, Ahmedabad, Gujarat and which is assigned the approval mark IND/09/06/395;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000 kg. and minimum capacity of 2 kg. The verification scale interval (e) is 100 g. It has tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The Instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg and up to 5000 kg with verification scale interval (n) in the range of 500 to 10000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

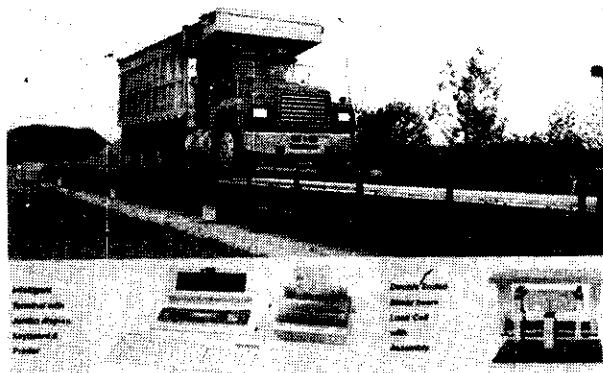
[F. No. WM-21(112)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 1 दिसम्बर, 2006

का.आ. 361.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स टारको इण्डस्ट्रीज, प्लॉट नं. 546, 547/2, कथावडा, जी आई डी सी, अहमदाबाद, गुजरात द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “डब्ल्यू ई डब्ल्यू” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (वेब्रिज प्रकार) के मॉडल का, जिसके ब्रांड का नाम “वेट-किंग” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/554; समानुद्देशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (वेब्रिज प्रकार का है)। इसकी अधिकतम क्षमता 40 टन और न्यूनतम क्षमता 100 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 5 कि.ग्रा. है। इसमें एक आधेयतुलन युक्त है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टैम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित/परिवर्धन नहीं किया जाएगा।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) में प्रदत्त शक्तियों का प्रयोग करते हुए यहाँ घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में मापमान अंतराल (एन) सहित 5 टन से अधिक और 100 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

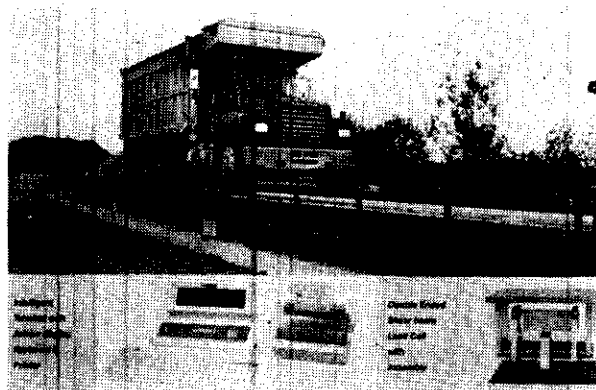
[फा. सं. डब्ल्यू.एम-21(30)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st December, 2006

S.O. 361.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Weighbridge type) with digital indication of medium accuracy (Accuracy class III) of series "WEW" and with brand name "WEIGHT-KING" (hereinafter referred to as the said Model), manufactured by M/s. Tarco Industries, Plot No. 546-547/2, Kathawada, GIDC, Ahmedabad, Gujarat and which is assigned the approval mark IND/09/06/554;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Weighbridge type) with a maximum capacity of 40 tonne and minimum capacity of 100 kg. The verification scale interval (e) is 5 kg. It has tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The Instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and upto 100 tonne with verification scale interval (n) in the range of 500 to 10000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(30)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 4 दिसम्बर, 2006

का.आ. 362.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सन स्टैण्डर्ड स्केल्स इंडिया रिज., #204, एवेन्यू रोड, बेंगलोर-560 002 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “सन- टी टी” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टोप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “सन स्टैण्डर्ड” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/547; समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है ;



उक्त मॉडल विकृत गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (टेबल टोप प्रकार) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्ध भी किया जाएगा और मॉडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक “ई” मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिये 500 से 10,000 तक की रेंज में मापमान (एन) अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(193)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 4th December, 2006

S.O. 362.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic (Table top type) weighing instrument with digital indication of "SUN-TT" series of medium accuracy (Accuracy class III) and with brand name "SUN STANDARD" (hereinafter referred to as the said Model), manufactured by M/s. Sun Standard Scales India Regd. #204, Avenue Road, Bangalore-560 002 and which is assigned the approval mark IND/09/06/547;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100 g. The verification scale interval (e) is 5 g. It has tare device with 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The Instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity upto 50kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

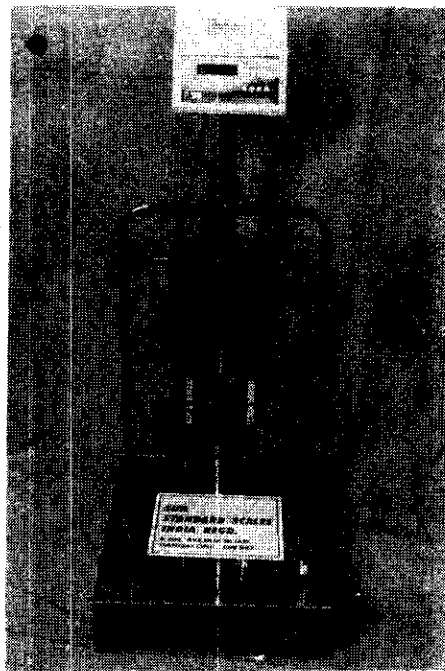
[F. No. WM-21(193)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 4 दिसम्बर, 2006

का.आ. 363.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सन स्टैण्डर्ड स्केल्स इंडिया रिज., #204, एवेन्यू रोड, बेंगलोर-560 002 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "सन-पी एफ." शृंखला के अंकक सूचन सहित, स्वतःसूचक अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "सन स्टैण्डर्ड" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/548 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है ;



उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 4 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिये 500 से 10,000 तक की रेंज में सत्यापन मान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

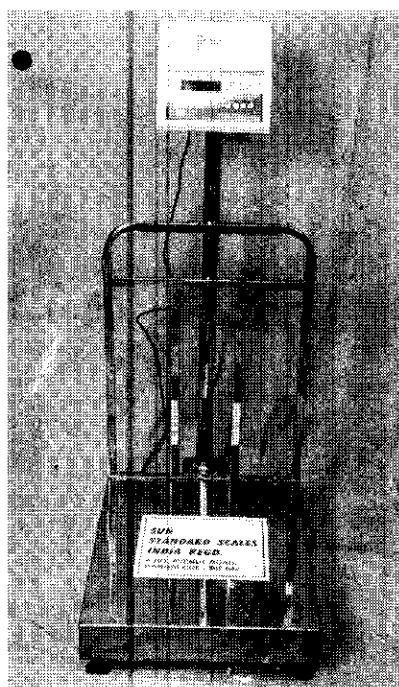
[फा. सं. डब्ल्यू एम-21(193)/2006]

आर. माथुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 4th December, 2006

S.O. 363.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the self indicating, non-automatic (Platform type) weighing instrument with digital indication of "SUN-PF" series of medium accuracy (Accuracy class III) and with brand name "SUN STANDARD" (hereinafter referred to as the said Model), manufactured by M/s. Sun Standard Scales India Regd., #204, Avenue Road, Bangalore-560 002 and which is assigned the approval mark IND/09/06/548;



The said Model is a strain gauge type load cell based non-automatic weighing instrument with a maximum capacity of 1000 kg. and minimum capacity of 4 kg. The verification scale interval (e) is 200 g. It has tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The Instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of same series with maximum capacity above 50kg. and upto 5000 kg. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

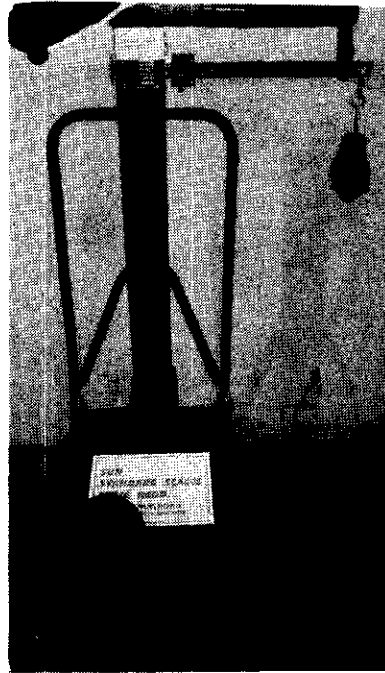
[F. No. WM-21(193)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 4 दिसम्बर, 2006

का.आ. 364.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सन स्टैण्डर्ड स्केल्स इंडिया रजि., #204, एवेन्यू रोड, बेंगलूर-560 002 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “सन-एम. पी. एफ.” शृंखला के अनालोग सूचन सहित, अस्वचालित तोलन उपकरण (मैकेनिकल प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “सन स्टैण्डर्ड” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/549; समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है ;



उक्त मॉडल मैकेनिकल स्टीलयार्ड प्रकार (लूज वेट प्रकार) का कम्पाउंड लिवर आधारित अस्वचालित तोलन उपकरण (मैकेनिकल प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 300 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित/परिवर्धन नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अन्तराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 या 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

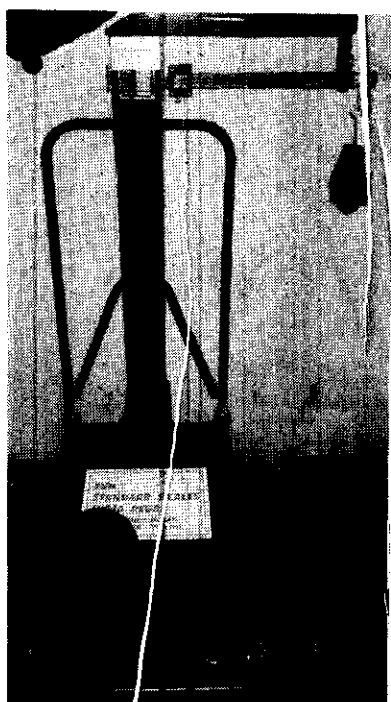
[फा. सं. डब्ल्यू एम-21(193)/2006]

आर. माथुरबुधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 4th December, 2006

S.O. 364.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Mechanical Platform Machine) weighing instrument with analogue indication of medium accuracy (Accuracy class III) of series "SUN-MPF" and with brand name "SUN STANDARD" (herein referred to as the said model), manufactured by M/s. Sun Standard Scales India Regd. #204, Avenue Road, Bangalore-560 002 and which is assigned the approval mark IND/09/06/549;



The said Model is a mechanical steelyard type (Loose Weight Type) based upon compound lever non-automatic weighing instrument (Mechanical platform machine) with a maximum capacity of 300 kg. and minimum capacity of 2 kg. The verification scale interval (e) is 100 g.

In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and upto 5000 kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved said model has been manufactured.

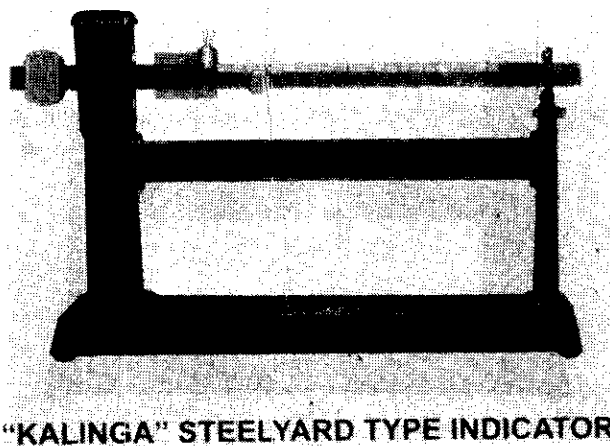
[F. No. WM-21(193)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 4 दिसम्बर, 2006

का.आ. 365.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स कलिंगा वेइंग इंडस्ट्रीज, बैद्यनाथ नगर, मानसपोल के पास, जाजपुर टाउन, जाजपुर, उड़ीसा द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “के. एस.” शृंखला के एनलाग सूचन सहित, अस्वचालित तोलन उपकरण (वेब्रिज स्टील यार्ड प्रकार) के मॉडल का, जिसके ब्रांड का नाम “कलिंगा” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/452; समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है ;



“KALINGA” STEELYARD TYPE INDICATOR

उक्त मॉडल मैकेनिकल लिवर (अस्वचालित वेब्रिज स्टील यार्ड प्रकार) तोलन उपकरण है। एनलाग सूचन सहित इसकी अधिकतम क्षमता 30 टन और न्यूनतम क्षमता 100 कि.ग्रा. है और मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) से संबंधित है। सत्यापन मापमान अन्तराल (ई) का मान 5 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्ध भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित/परिवर्धित नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) में प्रदत्त शक्तियों का प्रयोग करते हुए, यहा घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि.ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 5 टन से अधिक और 100 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

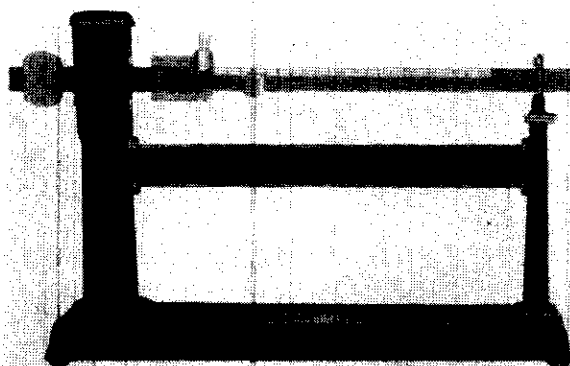
[फा. सं. डब्ल्यू एम-21(133)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 4th December, 2006

S.O. 365.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Mechanical weighbridge-steelyard type) with analogue indication belonging to medium accuracy (Accuracy class III) of "KS" series with brand name "KALINGA" (herein referred to as the said Model), manufactured by M/s. Kalinga Weighing Industries, Baidynath Nagar, Near Manasapol, Jajpur, Orissa and which is assigned the approval mark IND/09/06/452;



"KALINGA" STEELYARD TYPE INDICATOR

The said Model is a non-automatic weighing instrument (mechanical weighbridge steelyard type) based on the principles of compound levers with a maximum capacity of 30,000 kg. and minimum capacity of 100 kg. The verification scale interval (e) is 5 kg. It has a tare device with a 100 per cent subtractive retained tare effect.

In addition to scaling the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 100 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5kg. or more and 'e' value 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

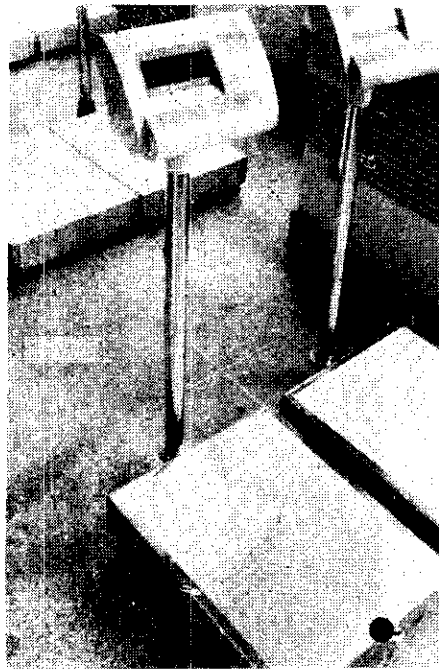
[F. No. WM-21(133)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 4 दिसम्बर, 2006

का.आ. 366.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स स्लिनटेक, #11/567, कुनडल्यूर पोस्ट, त्रिचूर डिस्ट्रिक्ट, केरल-680 616 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “एस टी-पी टी” शृंखला के अंकक सूचन सहित, स्वतःसूचक, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “स्लिनटेक” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/552 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृत गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 4 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्ध भी किया जाएगा और मॉडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) प्रदत्त शक्तियों का प्रयोग करते हुए, यहा घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5,000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 या 5×10^3 के, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

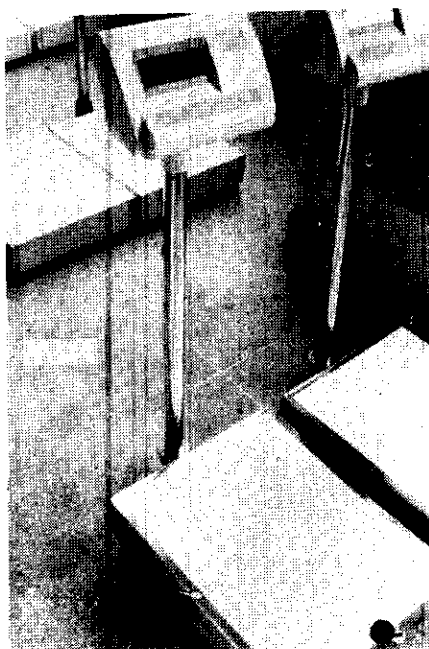
[फा. सं. डब्ल्यू एम-21(192)/2006]

के.आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 4th December, 2006

S.O. 366.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self indicating, non-automatic (Platform type) weighing instrument with digital indication of "ST-PT" series of medium accuracy (Accuracy class III) and with brand name "SLINTEC" (herein referred to as the said model), manufactured by M/s. Slintec, #11/567, Kundalyoor Post, Trichur District, Kerala-680 616 and which is assigned the approval mark IND/09/06/552.



The said model is a strain gauge type load cell based non-automatic weighing instrument with a maximum capacity of 1000 kg and minimum capacity of 4 kg. The verification scale interval (e) is 200 g. It has tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternate current power supply.

In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of same series with maximum capacity above 50 kg and up to 5,000 kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

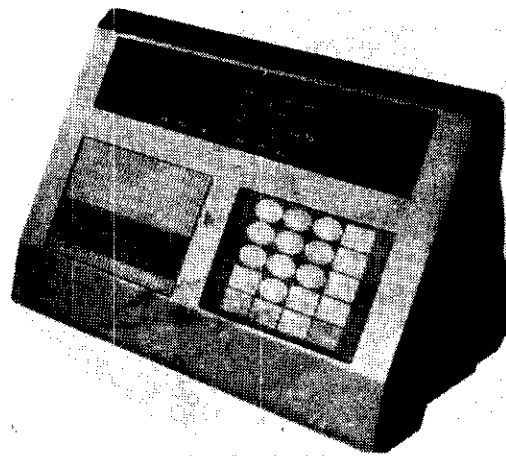
[F. No. WM-21(192)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 4 दिसम्बर, 2006

का.आ. 367.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स स्लिन्टेक, #11/567, कुनडलथूर पोस्ट, त्रिचूर डिस्ट्रिक्ट, केरल-680 616 द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “एस टी-आर डब्ल्यू” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (मल्टी लोड सेल वे ब्रिज प्रकार) के मॉडल का, जिसके ब्रांड का नाम “स्लिन्टेक” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/553; समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है ;



उक्त मॉडल अंकक सूचन सहित मल्टी लोड सेल आधारित तोलन उपकरण वे ब्रिज प्रकार है। इसकी अधिकतम क्षमता 40 टन और न्यूनतम क्षमता 200 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 10 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि. ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान (एन) अंतराल सहित 5 टन से अधिक और 100 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

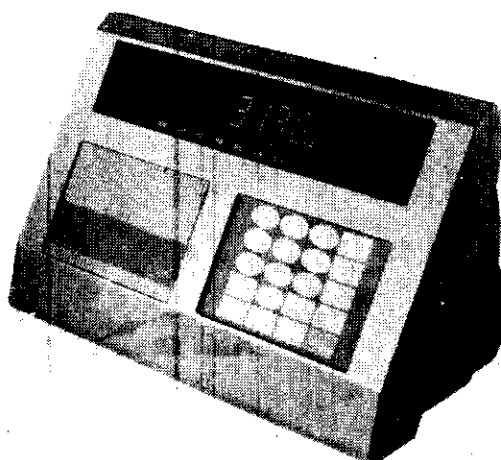
[फा. सं. डब्ल्यू एम-21(192)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 4th December, 2006

S.O. 367.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self indicating, non-automatic (Multi load cell type electronic weighbridge) weighing instrument with digital indication of “ST-RW” series of medium accuracy (Accuracy class III) and with brand name “SLINTEC” (hereinafter referred to as the said Model), manufactured by M/s. Slintec, #11/567, Kundalyoor Post, Trichur District, Kerala-680 616 and which is assigned the approval mark IND/09/06/553.



The said Model is multi load cell based weigh bridge type weighing instrument with a maximum capacity of 40 tonne and minimum capacity of 200 kg. The verification scale interval (e) is 10kg. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity above 5 tonne and up to 100 tonne and with number of verification scale interval (n) in the range of 500 to 10,000 for ‘e’ value of 5kg or more and with ‘e’ value 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

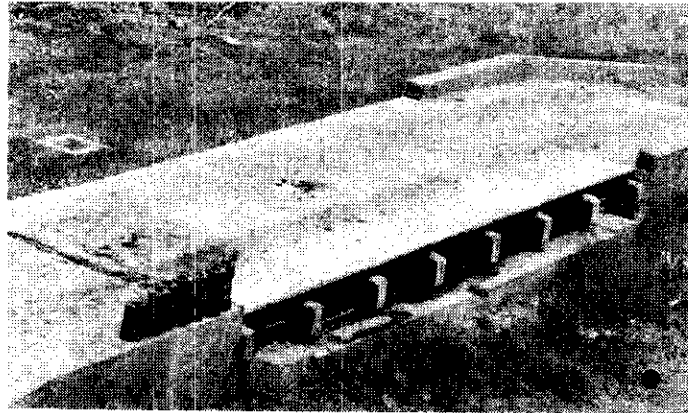
[F. No. WM-21(192)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 4 दिसम्बर, 2006

का.आ. 368.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स हाई-टेक स्ट्रक्चरस प्रा. लि., प्रिमिसेज नं. 202, ब्लू क्रोस चेम्बर्स, नं. 11, इनफेंट्री रोड क्रोस, बेंगलोर-560 001 द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “हाई-बेस-डब्ल्यू बी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (मल्टी लोड सेल वे ब्रिज प्रकार-कोनक्रीट प्लेटफार्म के साथ) के मॉडल का, जिसके ब्रांड का नाम “हाई बेस” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/551; समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल अंकक सूचन सहित मल्टी लोड सेल आधारित तोलन उपकरण वे ब्रिज प्रकार है। इसकी अधिकतम क्षमता 40 टन और न्यूनतम क्षमता 200 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 10 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यहाँ घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि.ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान (एन) अंतराल सहित 5 टन से अधिक और 100 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

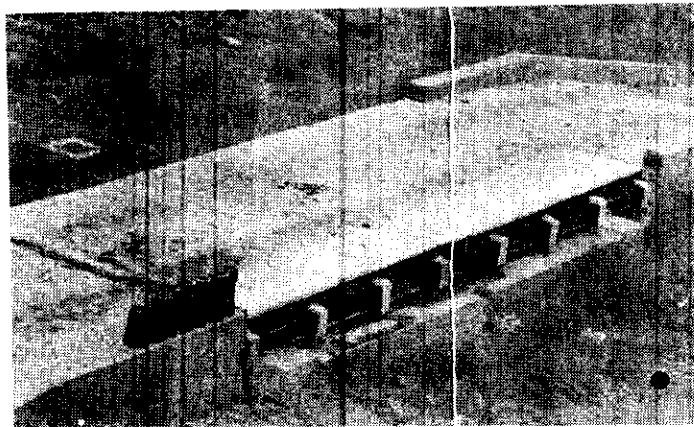
[फा. सं. डब्ल्यू एम- 21(191)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 4th December, 2006

S.O. 368.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the self indicating, non-automatic (Multi load cell type electronic weighbridge with concrete platform) weighing instrument with digital indication of "HI-BASE-WB" series of medium accuracy (Accuracy class III) and with brand name "HI-BASE" (hereinafter referred to as the said Model) manufactured by M/s 'Hi-Tech Structures Pvt. Ltd., Premises No. 202, Blue Cross—Chambers, No. 11, Infantry Road Cross, Bangalore-560 001 and which is assigned the approval mark IND/09/06/551;



The said Model is multi load cell based weight bridge type weighing instrument with a maximum capacity of 40 tonne and minimum capacity of 200 kg. The verification scale interval (e) is 10kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volt and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity above 5 tonne and up to 100 tonne and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5kg or more and 'e' value 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(191)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

भारतीय मानक ब्यूरो

नई दिल्ली, 25 जनवरी, 2007

का.आ. 369.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है वह स्थापित हो गया है :-

अनुसूची

| क्रम संख्या | स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक | नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष | स्थापित तिथि |
|-------------|--|---|----------------|
| (1) | (2) | (3) | (4) |
| | आई एस 15382 (पार्ट 3) : 2006 निम्न-वोल्टेज प्रणालियों के उपकरण के लिए उष्मारोधन समन्वय भाग 3 प्रदूषण से सुरक्षा के लिए लेपन, पॉटिंग अथवा संचारन का उपयोग | — | 31 अगस्त, 2006 |

इस भारतीय मानक की प्रतियाँ, भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : ईटी 19/टी-16]

पी. के. मुखर्जी, वैज्ञ. एफ एवं प्रमुख (विद्युत तकनीकी)

BUREAU OF INDIAN STANDARDS

New Delhi, the 25th January, 2007

S.O. 369.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards rules, 1987, the Bureau of Indian Standards hereby notifies that amendment to the Indian Standards, particulars of which are given in the Schedule hereto annexed has been issued :

SCHEDULE

| Sl. | No. & Year of the Indian Standards | No. & yS | ment shall have effect |
|-----|--|----------|------------------------|
| (1) | (2) | (3) | (4) |
| 1 | IS 15382 (Part 3) : 2006 Insulation Co-ordination for Equipment within Low-Voltage Systems Part 3 Use of Coating, Potting or Moulding for protection against Pollution | — | 31 August, 2006 |

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. : ET 19/T-16]

P. K. MUKHERJEE, Sc. F & Head (Electro technical)

नई दिल्ली, 31 जनवरी, 2007

का.आ. 370. भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के नियम 4 के उप-नियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं (नवम्बर-दिसम्बर 2006) :

अनुसूची

| क्रम संख्या | लाइसेंस संख्या | स्वीकृत करने की तिथि, वर्ष/ माह | लाइसेंसधारी का नाम व पता | भारतीय मानक का शीर्षक | भा.मा. सं. | भाग | अनु वर्ष |
|----------------|-------------------|---------------------------------------|--|--|------------|-----|----------|
| 1. | 5296375 | 01-11-06 | मैसर्स बिरला कापॉरेशन लि., (यूनिट : दुर्गा हाइट्स सीमेंट दुर्गापुर, डी एस पी स्लैग बैंक के समीप दुर्गापुर-713203 जिला-वर्धमान पश्चिम बंगाल | प्लाई एश आधारित पोर्टलैंड पोर्जोलाना सीमेंट | 1489 | 1 | 1991 |
| 2. | 5297983 | 17-11-06 | मैसर्स अदिति प्लास्टिक्स प्रा. लि., पोस्ट : बेगरी, डोमजुर, प्लॉट नं. 1049(पी) एवं 1115(पी) जालान इंडस्ट्रियल कॉम्प्लैक्स, जे. एल.-2 मौजा-साँकराइल जिला-हावड़ा-711414 | वाटर ब्लेजेट व यूरिनलों के लिए प्लास्टिक के फ्लाशिंग सिस्टर्न | 7231 | 1 | 1994 |
| 3. | 5298480 | 20-11-06 | मैसर्स आलीशान वेनोर एंड प्रा. लि., मौजा महेशपुर पोस्ट - बीरशिखपुर पु. प्ले-उनुबेरिया, हावड़ा, पश्चिम बंगाल | प्लाईवुड सामान्य प्रयोजनों के लिए प्लाईवुड | 303 | | 1989 |
| 4. | 5300441 | 27-11-06 | मैसर्स एक्वा फलो पॉलीमर्स कबरपारा, बाँकरा, हावड़ा, पश्चिम बंगाल | बेघन/नलकूप के लिए अप्लास्टिक पीवीसी के बने स्क्रीन एवं आवरण पाईप | 12818 | | 1992 |
| 55 | 5300542 | 30-11-06 | मैसर्स सुप्रीम वुड प्रॉडक्ट्स प्रा.लि., ग्राम : बानियारा, पो.आ. बेगरी, जिला हावड़ा-711411 पश्चिम बंगाल | सामान्य प्रयोजन के लिए प्लाईवुड | 303 | | 1989 |
| 6. | 5302950 | 06-12-06 | मैसर्स इन्टिग्रेटेड फायर प्रोटेक्शन प्रा. लि., पोस्ट बॉक्स नं. 45, राजबाड़ीपारा, जलपाईगुडी- 735101 | हाइड्रोकार्बन एवं पोलर विलायक अग्निशामक हेतु बहुप्रयोजी जलीय फिल्म बनाने वाले सान्द्र तरल झाग | 4989 | 4 | 2003 |

[संदर्भ : सी एम डी-1/13:11]

एस. के. चौधरी, उप-महानिदेशक (मुहर)

New Delhi, the 31st January, 2007

S. O. 370.—In pursuance of sub-regulation (5) of regulation (4) of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies that the grant of licences particulars of which are given in the following schedule (for the month of November & December 2006).

SCHEDULE

| Sl. No. | Licences No. | Grant Date | Name & Address of the Party | Title of the Standard | IS No. Part | Sec. | Year |
|---------|--------------|------------|---|---|-------------|------|------|
| 1. | 5296375 | 01.11.06 | M/s. Birla Corporation Ltd. (Unit : Dura Hitech Cement) Near DSP Slag Bank Durgapur-713203 Dist. Burdwan, W.B. | Portland Pozzolana Cement | 1489 | 1 | 1991 |
| 2. | 5297983 | 17.11.06 | M/s. Aditi Plastics Pvt. Ltd., Vill: Sankaridaha P.O. Begri, Domjur, Plot No. 1049(P) & 1115(P) Jalan Industrial Complex, JL2, Mouza : Sankaridaha, Dist. Howrah-711414, West Bengal | Plastic Flushing Cisterns for water closets & Urinals | 7231 | | 1994 |
| 3. | 5298480 | 20.11.06 | M/s Alishan Veneer & Plywood Pvt. Ltd., Mouza : Maheshpur, P.O. Uluberia, Dist. Howrah West Bengal. | Plywood for general purposes | 303 | | 1989 |
| 4. | 5300441 | 27.11.06 | M/s. Aqua Flow Polymers Kabarpara, Bankra, Howrah, W.B. | Unplasticized PVC Screen and casing pipes for bore/tubewell | 12818 | | 1992 |
| 5. | 5300542 | 30.11.06 | M/s. Supreme Wood Products Pvt. Ltd., Vill: Baniara, P.O. Begri, Distt. Howrah 711 411 W.B. | Plywood for General | 303 | | 1989 |
| 6. | 5302950 | 06.12.06 | M/s Integrated Fire Protection Pvt. Ltd., Post Box No. 45, Rajbaripara Jalpaiguri 735 101 | Multipurpose Aqueous Film Forming Foam Liquid Concentrate for Extinguishing Hydrocarbon and Polar Solvent Fires | 4989 | 4 | 2003 |

[No. CMD-1/13:11]

S.K. CHAUDHURI, Dy. Director General (Marks)

नई दिल्ली, 1 फरवरी, 2007

का.आ. 371.—भारतीय मानक ब्यूरो के भारतीय मानक ब्यूरो (प्रमाणन) विनियमन 1988 के उपविनियमन (5) के तहत यह अधि सूचित किया जाता है कि निम्नलिखित बयौरेवाले लाइसेन्स प्रदान किए जाते हैं ।

अनुसूची

| क्रम सं. | लाइसेंस संख्या | लागू तिथि | पार्टी का नाम व पता (कारखाना) | मानक की उपाधि | भीमा संख्या भाग/खंड व वर्ष |
|----------|----------------|------------|--|------------------------------------|----------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 |
| 1. | 6619984 | 02.11.2006 | मैसर्स अंबाल मोटर्स एन्ड पम्प्स, 90 नेहरू स्ट्रीट, तिरुप्पूर टेक्स्टाइल्स के आगे, बी आर पुरम, पीलमेडु कोयंबतूर-641004 | गहरे कुओं के निमज्जनीय पंपसेट्स | भामा 14220 : 1994 |

| 1 | 2 | 3 | 4 | 5 | 6 |
|-----|---------|------------|--|---|-------------------|
| 2. | 6620464 | 03.11.2006 | मैसर्स श्री लक्ष्मी इन्डस्ट्रीज, 54/1, अतिपालयम रोड, चिन्वेदमपट्टी, कोयंबतूर-641006 | अपकेन्द्रीय जेट पंप | भामा 12225 : 1997 |
| 3. | 6620969 | 07.11.2006 | मैसर्स आर बालसुब्रमणियम ज्वेलर्स, 266, ईश्वरन कोइल स्ट्रीट, तिरुप्पुर-641 604 | स्वर्ण तथा स्वर्ण मिश्र धातुएं, आभूषण/शिल्पकारी-शुद्धता एवं मार्किंग | भामा 1417 : 1999 |
| 4. | 6621365 | 08.11.2006 | मैसर्स श्रीपूजा इंजिनियरिंग इन्डस्ट्रीज, 7/26, अवनाशी रोड, सिविल एयरोड्रोम पोस्ट, कोयंबतूर-641014 | गहरे कुओं के निमज्जनीय पंपसेट्स | भामा 14220 : 1994 |
| 5. | 6622771 | 13.11.2006 | मैसर्स मेहता ज्वेलर्स, मेहता मेन्शन, 17-बी, डी बी रोड, आर एस पुरम, कोयंबतूर-641 604 | स्वर्ण तथा स्वर्ण मिश्र धातुएं, आभूषण/शिल्पकारी-शुद्धता एवं मार्किंग | भामा 1417 : 1999 |
| 6. | 6622872 | 13.11.2006 | मैसर्स मेहता ज्वेलर्स, मेहता मेन्सन, 17-बी, डी बी रोड, आर एस पुरम, कोयंबतूर-641 001 | चांदी तथा चांदी मिश्र धातुएं, आभूषण/शिल्पकारी-शुद्धता एवं मार्किंग | भामा 2112 : 2003 |
| 7. | 6622973 | 14.11.2006 | मैसर्स सतीश ज्वेलर्स, 513, मुत्तु कॉम्प्लेक्स, बिग बाजार स्ट्रीट, कोयंबतूर-641 604 | स्वर्ण तथा स्वर्ण मिश्र धातुएं, आभूषण/शिल्पकारी-शुद्धता एवं मार्किंग | भामा 1417 : 1999 |
| 8. | 6622571 | 14.11.2006 | मैसर्स मंगल्या ज्वेलर्स व डाइमंड्स, 1075, क्रास कट रोड, गांधीपुरम, कोयंबतूर-641 012 | स्वर्ण तथा स्वर्ण मिश्र धातुएं, आभूषण/शिल्पकारी-शुद्धता एवं मार्किंग | भामा 1417 : 1999 |
| 9. | 6623672 | 14.11.2006 | मैसर्स एल्लईलमी मानोसेट्स (पी) लि., 32; सडको इन्डस्ट्रियल एस्टेट, कुरिच्ची, कोयंबतूर-641 021 | गहरे कुओं के लिए निमज्जनीय पंपसेट्स | भामा 14220 : 1994 |
| 10. | 6623874 | 15.11.2006 | मैसर्स टेक्स इंजिनियरिंग्स, 15, जयसिम्मापुरम, पी एन पालयम, कोयंबतूर-641037 | गहरे कुओं के लिए निमज्जनीय पंपसेट्स | भामा 14220 : 1994 |
| 11. | 6624270 | 17.11.2006 | मैसर्स पेलनिसामी गाउंडर सन्स व को., टी पी जी ज्वेलर्स, 84, पोन् स्ट्रीट, ईरोड-638001 | स्वर्ण तथा स्वर्ण मिश्र धातुएं, आभूषण/शिल्पकारी-शुद्धता एवं मार्किंग | भामा 1417 : 1999 |
| 12. | 6624371 | 17.11.2006 | मैसर्स पेलनिसामी गाउंडर व सन्स को., ज्वेलर्स, 266, नेताजी नगर ईरोड-638001 | स्वर्ण तथा स्वर्ण मिश्र धातुएं, आभूषण/शिल्पकारी-शुद्धता एवं मार्किंग | भामा 1417 : 1999 |
| 13. | 6625979 | 21.11.2006 | मैसर्स रेइनबो इंजिनियर्स, 12/55-बी, तटागम रोड, जे एम अस्पताल के सामने कोयंबतूर-641025 | स्वर्ण तथा स्वर्ण मिश्र धातुएं, निमज्जनीय पंपसेट्स एवं मार्किंग | भामा 8034 : 2002 |
| 14. | 6626072 | 21.11.2006 | मैसर्स कर्पगम ज्वेलर्स, संख्या 491, क्रास कट रोड, कोयंबतूर 641 012 | स्वर्ण तथा स्वर्ण मिश्र धातुएं, आभूषण/शिल्पकारी-शुद्धता एवं मार्किंग | भामा 1417 : 1999 |
| 15. | 6626173 | 21.11.2006 | मैसर्स जी एस आर इन्डस्ट्रीज, 210/2, नेताजी नगर, नंजुण्डापुरम रोड, कोयंबतूर 641 036 | कृषि तथा पेयजल आपूर्ति के लिए साफ ठंडे पानी के लिए बिजली के मोनोसेट पम्प | भामा 9079 : 2002 |

[संदर्भ : सीएमडी-1/13:11]

एस. के. चौधरी, उप-महानिदेशक (माक्स)

New Delhi, the 1st February, 2007

S. O. 371.—In pursuance of sub-regulation (5) of regulation (4) of the Bureau of Indian Standards (Certification) Regulation 19 of the Bureau of Indian Standards, hereby notifies the grant of licence particular of which are given in the following schedule :

SCHEDULE

| Sl. No. | Licence No. | Operative date | Name and Address (Factory) of the Party | Title of the Standard | IS No. Part/Sec. Year |
|---------|-------------|----------------|--|---|-----------------------|
| 1 | 2 | 3 | 4 | 5 | 6 |
| 1. | 6619984 | 02-11-2006 | M/s. Ambal Motors and Pumps 90 Nehru Street, Opp Tirupur Textiles B.R. Puram, Peelamedu, Coimbatore - 641 004 | Openwell Submersible Pumpsets | IS 14220 : 1994 |
| 2. | 6620464 | 03-11-2006 | M/s. Sree Lakshmi Industries 54/1, Athipalayam Road, Chinnavedampatti, Coimbatore- 641 006 | Centrifugal jet pump | IS 12225 : 1997 |
| 3. | 6620969 | 07-11-2006 | M/s. R. Balasubramaniam Jewellers 266, Eswaran Koil Street, Tirupur- 641 604 | Gold and gold alloys, Jewellery artifacts- fineness and marking | IS 1417: 1999 |
| 4. | 6621365 | 08-11-2006 | M/s. Sree Pooja Engineering Industries 7/26, Avanashi Road, Civil Aerodrome Post, Coimbatore- 641 014 | Openwell Submersible Pumpsets | IS 14220 : 1994 |
| 5. | 6622771 | 13-11-2006 | M/s. Mehta Jewellers 'Mehta Mansion' 17-B, D.B. Road, R.S. Puram, Coimbatore - 641 002 | Gold and gold alloys, Jewellery artifacts- fineness and marking | IS 1417: 1999 |
| 6. | 6622872 | 13-11-2006 | M/s. Mehta Jewellers 'Mehta Mansion' 17-B, D.B. Road, R.S. Puram, Coimbatore - 641 002 | Silver and silver alloys, Jewellery artifacts- fineness and marking | IS 2112 : 2003 |
| 7. | 6622973 | 13-11-2006 | M/s. Sathish Jewellers 513, Muthu Complex, Big Bazaar Street, Coimbatore- 641 001 | Gold and gold alloys, Jewellery artifacts- fineness and marking | IS 1417: 1999 |
| 8. | 6623571 | 14-11-2006 | M/s. Mangalya Jewellers & Diamonds 1075, Cross Cut Road, Gandhipuram, Coimbatore- 641 012 | Gold and gold alloys, Jewellery artifacts- fineness and marking | IS 1417: 1999 |
| 9. | 6623672 | 14-11-2006 | M/s. Ellai Laxmi Monosets (P) Ltd. 32, SIDCO Industrial Estate, Kurichi, Coimbatore- 641 021 | Openwell Submersible Pumpsets | IS 14220: 1994 |
| 10. | 6623874 | 15-11-2006 | M/s. Teks Engineering 15, Jayasimma Puram, P. N. Palayam, Coimbatore- 641 037 | Openwell Submersible Pumpsets | IS 14220 : 1994 |
| 11. | 6624270 | 17-11-2006 | M/s. T. Palanisamy Gounder & Sons T. P. G. Jewellers, 84, Ponn Street, Erode- 638001 | Gold and gold alloys, Jewellery artifacts- fineness and marking | IS 1417: 1999 |

| 1 | 2 | 3 | 4 | 5 | 6 |
|-----|---------|------------|---|---|---------------|
| 12. | 6624371 | 17-11-2006 | M/s. T. Palanisamy Gounder Sons & Co. Jewellers, 266, Nethaji Road, Erode - 638001 | Gold and gold alloys, Jewellery artifacts- fineness and marking | IS 1417: 1999 |
| 13. | 6625979 | 21-11-2006 | M/s. Rainbow Engineers 12/55-B, Thadagam Road, Opp. J. M. Hospital, Coimbatore- 641 025 | Submersible Pumpsets | IS 8034: 2002 |
| 14. | 6626072 | 21-11-2006 | M/s. Karpagam Jewellers No. 491, Cross-Cut Road, Coimbatore- 641 012 | Gold and gold alloys, Jewellery artifacts- fineness and marking | IS 1417: 1999 |
| 15. | 6626173 | 21-11-2006 | M/s. G.S.R. Industries 210/2, Nethaji Nagar, Nanjundapuram Road, Coimbatore- 641 036 | Electric Monoset Pumps for Clear, Cold Water for Agricultural and Water Supply Purposes | IS 9079: 2002 |

[Ref: CMD-1/13:11]

S. K. CHAUDHURI, Dy. Director General (Marks)

नई दिल्ली, 1 फरवरी, 2007

का.आ. 372. भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खेड (ख) के अनुसूची में भारतीय मानक ब्यूरो एतद् द्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :-

अनुसूची

| क्रम संख्या | स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक | नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष | स्थापित तिथि |
|-------------|---|---|-----------------|
| (1) | (2) | (3) | (4) |
| | आई एस 15687 (भाग 1) : 2006 प्रदीप्तिशील लैम्प : भाग 1 सुरक्षा अपेक्षाएँ | — | 30 नवम्बर, 2006 |

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : ईटी 23/टी-79]

पी. के. मुखर्जी, वैज्ञा. एफ. एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 1st February, 2007

S.O. 372.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards rules, 1987, the Bureau of Indian Standards hereby notifies that amendment to the Indian Standards, particulars of which are given in the Schedule hereto annexed has been issued :

SCHEDULE

| Sl. No. | No. & Year of the Indian Standards | No. & year of the Indian Standards, if any, superseded by the New Indian Standard | Date of Established |
|---------|---|---|---------------------|
| (1) | (2) | (3) | (4) |
| 1. | IS 15687 (Part 1) : 2006 single-capped Fluorescent Lamps (Part 1 Safety Requirements) | — | 30 November, 2006 |

Copy of this Standard are available for with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. : ET 23/T-79]

P. K. MUKHERJEE, Sec. F & Head (Electrotechnical)

नई दिल्ली, 1 फरवरी, 2007

का.आ. 373.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गए मानक (कों) में संशोधन किया गया/किये गये हैं :—

अनुसूची

| क्रम सं. | संशोधित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक | संशोधन की संख्या और तिथि | संशोधन लागू होने की तिथि |
|----------|---|--------------------------|--------------------------|
| (1) | (2) | (3) | (4) |
| 1. | आई एस 7693:2004/IEC60079-6(1995) विस्फोटक गैस वातावरण के लिए विद्युत के उपकरण-तेल निमज्जन "O" (पहला पुनरीक्षण) | 1 दिसम्बर, 2006 | 31 दिसम्बर, 2006 |

इस भारतीय संशोधन की प्रति भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई-110002, क्षेत्रीय कार्यालयों : कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : ईटी 22/टी-14]

पी. के. मुखर्जी, वैज्ञ. एफ एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 1st February, 2007

S.O. 373.—In pursuance of clause (b) of sub-rule (1) of Rules (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendment to the Indian Standards, particulars of which are given in the Schedule hereto annexed has been issued :

SCHEDULE

| Sl. No. | No. & Year of the Indian Standards | No. & year of the Amendment | Date from which the Amendment shall have effect |
|---------|--|-----------------------------|---|
| (1) | (2) | (3) | (4) |
| 1 | IS 7693:2004/IEC 60079-6(1995) Electrical Apparatus for Explosive Gas Atmospheres—Oil Immersion "O" (First Revision) | 1 December, 2006 | 31 December, 2006 |

Copies of these Amendments are available with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. ET 22/T-14]

P. K. MUKHERJEE, Sc. F & Head (Electrotechnical)

नई दिल्ली, 1 फरवरी, 2007

का.आ. 374.—भारतीय मानक ब्यूरो (प्रमाणन) विनियमन 1988 के विनियमन 5 के उपविनियमन (6) के तहत भारतीय मानक ब्यूरो यह अधिसूचित करता है कि निम्नलिखित ब्यूरो वाले लाइसेंस उनके आगे दी गई तारीखों से रद्द किए जाते हैं।

अनुसूची

| क्रम सं. | लाइसेंस सं. | लाइसेंस वाले का नाम व पता | समयबाधित लाइसेंस द्वारा आवृत्त वस्तु/प्रक्रिया के साथ संगत भारतीय मानक | समयबाधित तारीख |
|----------|-------------|---|--|----------------|
| (1) | (2) | (3) | (4) | (5) |
| 1. | 6463878 | मैसर्स श्री कृपा वाटर सिस्टम्स, 101/9, कोयम्बतूर रोड, कोनमूलै विल्लेज, सतियमंगलम, ईरोड-638402 | पैकेजबंद पेयजल भा. मा. 14543 : 2004 | 2006-11-29 |

[सं. सीएमडी-13 : 13]

एस. के. चौधरी, उप-महानिदेशक (मावर्स)

New Delhi, the 1st February, 2007

S.O. 374.—In pursuance of sub-regulation (6) of regulation 5 of the Bureau of Indian Standards (certification) Regulations, 1988, the Bureau of Indian Standards, hereby notifies that the licence particulars of which are given below have been cancelled with effect from the date indicated against each.

SCHEDULE

| Sl. No. | Licence No. | Name and Address of the Licensee | Article/Process with relevant Indian Standard covered by the licence cancelled | Date of Cancellation |
|---------|-------------|--|--|----------------------|
| (1) | (2) | (3) | (4) | (5) |
| 1 | 6463878 | M/s. Kiruba Water Systems 101/9, Coimbatore Road, Konamoolai Village, Sathyamangalam, Erode-638402 | Packaged drinking water, IS 14543 : 2004 | 2006-11-29 |

[No. CMD-13 : 13]

S. K. CHAUDHURI, Dy. Director General (Marks)

नई दिल्ली, 2 फरवरी, 2007

का.आ. 375.—भारतीय मानक ब्यूरो (प्रमाणन) विनियमन 1988 के विनियम 4 के उप विनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिनके विवरण नीचे अनुसूची में दिए गए हैं को लाइसेंस प्रदान किए गए हैं :-

अनुसूची

| क्रम सं. | लाइसेंस सं. | वैधता तिथि | पार्टी का नाम एवं पता (कारखाना) | उत्पाद | आई एस सं./भाग/खंड वर्ष |
|----------|-------------|------------|--|--|------------------------|
| (1) | (2) | (3) | (4) | (5) | (6) |
| 1. | 7681489 | 05-12-2007 | ब्रिलियंट इंटरनेशनल यूनिट क्र. ए, बी और सी पश्चिम द्रुतगामी महामार्ग, मीरागांव, मीरा रोड (पूर्व), जिला ठाणे-401104 | घरेलू और समान प्रयोजनों के लिए स्विच | भामा 3854 : 1997 |
| 2. | 7686503 | 14-12-2007 | सूर्योदय ब्लेडिंग प्रा.लि., सर्वे सं. 146/2/3ए, मधुबन बांध रोड, कराड गांव, सिलवासा, दादरा और नगर हवेली 396230 | अवरोधित खनिज विद्युत रोधित तेल | भामा 12463 : 1988 |
| 3. | 7683897 | 11-12-2007 | किंग्स इलेक्ट्रॉनिक्स 39 भाब्रेकर नगर, चैम्पियन बिस्किट के सामने सरकारी औद्योगिक इस्टेट चारकोप, कांदिवली (पश्चिम), मुम्बई-400067 | घरेलू और समान प्रयोजनों के लिए स्विच | भामा 3854 : 1997 |
| 4. | 7688709 | 25-12-2007 | प्रीमियर होम अप्लायंसेस, 31, जय इंडस्ट्रियल इस्टेट, सातीवली उद्योग नगर, सातीवली रोड, वालिव गांव, वसई (पूर्व), जिला ठाणे-401208 | घरेलू विद्युत खाद्य-मिक्सर द्रवीकृत और ग्राइन्डर | भामा 4250 : 1980 |

[संदर्भ : सीएमडी-1/13 : 11]

एस. के. चौधरी, उप-महानिदेशक (मुहर)

New Delhi, the 2nd February, 2007

S.O. 375.—In pursuance of sub-regulation (5) of Regulation 4 of the Bureau of Indian Standards (Certification) Regulations 1988, the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given below in the following schedule :

SCHEDULE

| Sl. No. | Licence No. | Validity Date | Name and Address (factory) of the Party | Product | IS No./Part/Sec. Year |
|---------|-------------|---------------|--|--|-----------------------|
| (1) | (2) | (3) | (4) | (5) | (6) |
| 1. | 7681489 | 05-12-2007 | Brilliant International Unit No. A, B & C, Western Express Highway, Miragaon, Mira Road (E) Dist. Thane-401104 | Switches for domestic and similar purposes | IS 3854 : 1997 |
| 2. | 7686503 | 14-2-2007 | Suroday Blending Pvt. Ltd., Survey No. 146/2/3, Madhuban Dham Road, Village : Karad Silvassa, Dadra and Nagar Haveli-396230 | Inhibited mineral insulating Oils | IS 12463 : 1988 |
| 3. | 7683897 | 11-12-2007 | King's Electronics 39, Bhabrekar Nagar, Opp. Champion Biscuit, Govt. Indl. Estate, Charkop, Kandivli (W) Mumbai-400067 | Switches for domestic and similar purposes | IS 3854 : 1997 |
| 4. | 7688709 | 25-12-2007 | Premier Home Appliances 31, Jay Industrial Estate, Sativali Udyog Nagar, Sativali Rd., Village Wakiv, Vasai (E) Dist. Thane-401208 | Specification for Domestic Electric Food-Mixers (Liquidizes and Grinder) | IS 4250 : 1980 |

[Ref : CMD-1/13 : 11]

S. K. CHAUDHURI, Dy. Director General (Marks)

नई दिल्ली, 2 फरवरी, 2007

का.आ. 376.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद् द्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिय गए हैं वह स्थापित हो गए हैं :—

अनुसूची

| क्रम सं. | स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक | नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष | स्थापित तिथि |
|----------|---|---|-----------------|
| (1) | (2) | (3) | (4) |
| 1. | आई एस 7451 (भाग 2) : 2006/आई एस ओ 1204 : 1990 [समामेलन आई एस 7451 (भाग 2) : 1974, आई एस (भाग 4) : 1974 और आई एस 7451 (भाग 5) : 1975] प्रत्यागामी आंतरिक दहन इंजन भाग 2 सिलिंडर के शीर्ष में घूर्णन, सिलिंडरों और वाल्वों की दिशा के नामन तथा दाएं एवं बाएं इन-लाइन इंजनों और इंजनों के स्थलों की परिभाषा (पहला पनुरीक्षण) | आई एस 7451 (भाग 2) : 1974 | 30 नवम्बर, 2006 |

| (1) | (2) | (3) | (4) |
|-----|--|---------------------------|------------------|
| 2. | आई एस 15704 : 2006 स्वचल वाहन-व्यावसायिक वाहनों के लिए रीट्रीडिड वातिल टायर-विशिष्ट | आई एस 7451 (भाग 2) : 1974 | 31 दिसम्बर, 2006 |
| 3. | आई एस 15712 : 2006 सड़क वाहन-संपीडित प्राकृतिक गैस (सी एन जी) ईंधन प्रणाली के घटक-स्वचल वाल्व (सोलीनोयड वाल्व) | आई एस 7451 (भाग 2) : 1974 | 31 दिसम्बर, 2006 |
| 4. | आई एस 15713 : 2006 सड़क वाहन-संपीडित प्राकृतिक गैस (सी एन जी) ईंधन प्रणाली के घटक-दाब रेग्युलेटर | आई एस 7451 (भाग 2) : 1974 | 31 दिसम्बर, 2006 |
| 5. | आई एस 15716 : 2006 सड़क वाहन-संपीडित प्राकृतिक गैस (सी एन जी) ईंधन प्रणाली के घटक-सिरा कनेक्शनों सहित सीएनजी उच्च दाब ईंधन लाईन (द्रव) [2.15 मैगापास्कल (21.5 बार) के अधिक दाब की] | आई एस 7451 (भाग 2) : 1974 | 31 दिसम्बर, 2006 |
| 6. | आई एस 15724 : 2006 स्वचल टायर-रीट्रीडिंग पद्धति तप्त प्रक्रिया | आई एस 7451 (भाग 2) : 1974 | 31 दिसम्बर, 2006 |
| 7. | आई एस 15731 : 2006 स्वचल टायर-रीट्रीडेबल टायर केसिंग का चयन और निरीक्षण | आई एस 7451 (भाग 2) : 1974 | 31 दिसम्बर, 2006 |
| 8. | आई एस 15754 : 2006/आई एस ओ 21214 : 2006 इंटेलीजेंट परिवहन पद्धतियां -सतत एयर इंटरफेस लम्बी और मध्यम श्रेणी (सी ए एल एम) -अवरक्त पद्धतियां | आई एस 7451 (भाग 2) : 1974 | 31 दिसम्बर, 2006 |

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुरशाह जफर मार्ग, नई-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, नागपुर, कानपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : टी ई डी/जी-16]

राकेश कुमार, वैज्ञानिक एफ एवं प्रमुख (टी ई डी)

New Delhi, the 2nd February, 2007

S.O. 376.—In pursuance of clause (b) of sub-rule (1) of Rules (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

| Sl. No. | No., Year & title of the Indian Standards Established | No. & year of the Indian Standards, if any, superseded by the New Indian Standard | Date of Established |
|---------|---|---|---------------------|
| (1) | (2) | (3) | (4) |
| 1. | IS 7451 (Part 2) : 2006/ISO 1204:1990 [amalgamating IS 7451 (Part 3) : 1974, IS 7451 (Part 4) : 1974 and 7451 (Part 5) : 1975] Reciprocating internal combustion engines Part 2 Designation of the direction of rotation and of cylinders and valves in cylinder heads, and definition of right-hand and left-hand in line engines and locations on an engine | IS 7451 (Part 2) 1974 | 30 Nov. 2006 |

| (1) | (2) | (3) | (4) |
|-----|--|-----|--------------|
| 2. | IS 15704 : 2006 Automotive vehicles — Re-treaded pneumatic tyres for commercial vehicles - Specification | — | 31 Dec. 2006 |
| 3. | IS 15712:2006 Road vehicles - Compressed natural gas (CNG) fuel system components - Automatic valve (solenoid valve) | — | 31 Dec. 2006 |
| 4. | IS 15713:2006 Road vehicles - Compressed natural gas (CNG) fuel system components - Pressure regulator | — | 31 Dec. 2006 |
| 5. | IS 15716:2006 Road vehicles - Compressed natural gas (CNG) fuel system components - CNG high pressure fuel line (rigid) with end connections [having pressure exceeding 2.15 MPa (21.5 Bar)] | — | 31 Dec. 2006 |
| 6. | IS 15724:2006 Automotive tyres - Retreading procedure - Hot process | — | 31 Dec. 2006 |
| 7. | IS 15731:2006 Automotive tyres - Selection and inspection of retreadable tyre casing | — | 31 Dec. 2006 |
| 8. | IS 15754:2006/ISO 21214:2006 Intelligent transport systems - Continuous air interface, long and medium range (CALM) - Infra-red systems | — | 31 Dec. 2006 |

Copies of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110 002 and regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. TED/G-16]

RAKESH KUMAR, Scientist F & Head (Transport Engg.)

नई दिल्ली, 2 फरवरी, 2007

का.आ. 377.--भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गए मानक(कों) में संशोधन किया गया/किये गये हैं :-

अनुसूची

| क्रम सं. | स्थापित भारतीय मानक (कों) की संख्या, वर्ष और शीर्षक | संशोधन की संख्या और तिथि | संशोधन लागू होने की तिथि |
|----------|--|--------------------------|--------------------------|
| (1) | (2) | (3) | (4) |
| 1. | आई एस 7389:2004/आईईसी 60079-2(2001) विस्फोटो गैस पर्यावरणों के लिए बिजली के उपकरण- दाबित आवेष्टन "पी" (पहला पुनरीक्षण) | 1 दिसम्बर, 2006 | 31 दिसम्बर, 2006 |

इस संशोधन की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई मुम्बई, तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : ईटी 22/टी-12]

पी.के. मुखर्जी, वैज्ञा. एफ एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 2nd February, 2007

S. O. 377.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendment to the Indian Standards, particulars of which are given in the Schedule hereto annexed has been issued :

SCHEDULE

| Sl. No. | No. & Year of the Indian Standards | No. & year of the Amendment | Date from which the amendment shall have effect |
|---------|--|-----------------------------|---|
| (1) | (2) | (3) | (4) |
| 1. | IS 7389:2004/IEC 60079-2 (2001) Electrical Apparatus for Explosive Gas Atmospheres-Pressurized Enclosures "p" (First Revision) | 1 December, 2006 | 31 December, 2006 |

Copies of this Amendment are available with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref.: ET 22/T-12]

P. K. MUKHERJEE, Sc. F & Head (Electrotechnical)

नई दिल्ली, 2 फरवरी, 2007

का.आ. 378.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गए मानक(कों) में संशोधन किया गया/किये गये हैं :-

अनुसूची

| क्रम सं. | संशोधित भारतीय मानक(कों) की संख्या, वर्ष और शीर्षक | संशोधन की संख्या और तिथि | संशोधन लागू होने की तिथि |
|----------|--|--------------------------|--------------------------|
| (1) | (2) | (3) | (4) |
| 1. | आई एस 12897 : 2001 सामान्य सेवा लैम्पों के लिए तन्तु - मार्गदर्शिका (पहला पुनरीक्षण) | 1 दिसम्बर, 2006 | 31 दिसम्बर, 2006 |

इस संशोधन की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई-110 002, क्षेत्रीय कार्यालयों : कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं ।

[संदर्भ : ईटी 23/टी-60]

पी. के. मुखर्जी, वैज्ञ. एफ एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 2nd February, 2007

S. O. 378.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendment to the Indian Standards, particulars of which are given in the Schedule hereto annexed has been issued :

SCHEDULE

| Sl. No. | No. & Year of the Indian Standards | No. & year of the Amendment | Date from which the amendment shall have effect |
|---------|--|-----------------------------|---|
| (1) | (2) | (3) | (4) |
| 1. | IS 12897:2001 Filaments for General Service Lamps-Guide (First Revision) | 1 December, 2006 | 31 December, 2006 |

Copies of this Amendment are available with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref.: ET 23/T-60]

P. K. MUKHERJEE, Sc. F & Head (Electrotechnical)

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 5 फरवरी, 2007

का. आ. 379.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 3813 तारीख 20 सितम्बर, 2006, जो भारत के राजपत्र तारीख 23 सितम्बर, 2006 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में महाराष्ट्र राज्य में लोनी (पुणे) से पकनी (सोलापुर) तक हजारवाडी के रास्ते पेट्रोलियम उत्पादों के परिवहन के लिए मुम्बई-पुणे पाइपलाइन विस्तार परियोजना के माध्यम से हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी ; और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 05 दिसम्बर, 2006, को उपलब्ध करा दी गई थीं ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगमों से मुक्त, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा।

| अनुसूची | | | | | | | |
|---------------|------------|------------|---------------|----------------|--------------------|-----|-----------|
| तालुका : फलटण | | | जिला : सातारा | | राज्य : महाराष्ट्र | | |
| क्रम सं. | गाव का नाम | सर्वे नंबर | गट नंबर | उप-खण्ड संख्या | क्षेत्रफल | | |
| 1 | 2 | 3 | 4 | 5 | हेक्टर | एयर | वर्ग मीटर |
| 1 | कोरेगाँव | | 169 | | 00 | 24 | 30 |
| | | | 178 | | 00 | 00 | 64 |
| | | | 179 | | 00 | 00 | 73 |
| | | | 180 | | 00 | 01 | 62 |
| | | | 195 | | 00 | 00 | 90 |
| | | | 204 | | 00 | 00 | 69 |
| | | | 240 | | 00 | 02 | 55 |
| | | | 241 | | 00 | 06 | 04 |
| | | | 237 | | 00 | 04 | 39 |
| | | | 243 | | 00 | 03 | 52 |
| कुल | | | | | 00 | 45 | 38 |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|---|-----------|---|------|-----|----|----|----|
| 2 | तरडगॉव | | 1122 | | 00 | 02 | 25 |
| | | | 553 | | 00 | 01 | 73 |
| | | | 1120 | | 00 | 01 | 50 |
| | | | | कूल | 00 | 05 | 48 |
| 3 | घाडगेवाडी | | 277 | | 00 | 06 | 42 |
| | | | | कूल | 00 | 06 | 42 |
| 4 | बिबी | | 16 | | 00 | 11 | 41 |
| | | | | कूल | 00 | 11 | 41 |
| 5 | वडगॉव | | 90 | | 00 | 02 | 38 |
| | | | 150 | | 00 | 04 | 72 |
| | | | | कूल | 00 | 07 | 10 |
| 6 | ताथवडे | | 48 | | 00 | 12 | 71 |
| | | | 45 | | 00 | 16 | 45 |
| | | | 43 | | 00 | 14 | 04 |
| | | | 40 | | 00 | 71 | 41 |
| | | | 39 | | 00 | 09 | 06 |
| | | | | कूल | 01 | 23 | 67 |

[फा. सं. आर-316/20/2004-ओ.आर.-II]

गोस्वामी, अवर सचिव

Ministry of Petroleum and Natural Gas

New Delhi, the 5th February, 2007

S.O. 379.— Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 3813, dated the 20th September, 2006, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the 23rd September, 2006, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying an extension pipeline for transportation of petroleum products through Mumbai-Pune Pipeline Extension Project from Loni (Pune) to Pakni (Solapur) via Hazarwadi in the State of Maharashtra by Hindustan Petroleum Corporation Limited;

And whereas the copies of the said Gazette notification were made available to the public on the 5th December, 2006;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Hindustan Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

| SCHEDULE | | | | | | | |
|------------------|---------------------|------------|-------------------|------------------|---------------------|-----|-------|
| Taluka : PHALTAN | | | District : SATARA | | State : MAHARASHTRA | | |
| Sr. No. | Name of the Village | Survey No. | Gat No. | Sub-Division No. | Area | | |
| | | | | | Hectare | Are | Sq.mt |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 1 | KOREGAON | | 169 | | 00 | 24 | 30 |
| | | | 178 | | 00 | 00 | 64 |
| | | | 179 | | 00 | 00 | 73 |
| | | | 180 | | 00 | 01 | 62 |
| | | | 195 | | 00 | 00 | 90 |
| | | | 204 | | 00 | 00 | 69 |
| | | | 240 | | 00 | 02 | 55 |
| | | | 241 | | 00 | 06 | 04 |
| | | | 237 | | 00 | 04 | 39 |
| | | | 243 | | 00 | 03 | 52 |
| Total | | | | | 00 | 45 | 38 |
| 2 | TARADGAON | | 1122 | | 00 | 02 | 25 |
| | | | 553 | | 00 | 01 | 73 |
| | | | 1120 | | 00 | 01 | 50 |
| Total | | | | | 00 | 05 | 48 |
| 3 | GHADGEWADI | | 277 | | 00 | 06 | 42 |
| Total | | | | | 00 | 06 | 42 |
| 4 | BIBI | | 16 | | 00 | 11 | 41 |
| Total | | | | | 00 | 11 | 41 |
| 5 | VADGAON | | 90 | | 00 | 02 | 38 |
| | | | 150 | | 00 | 04 | 72 |
| Total | | | | | 00 | 07 | 10 |
| 6 | TATHA VADE | | 48 | | 00 | 12 | 71 |
| | | | 45 | | 00 | 16 | 45 |
| | | | 43 | | 00 | 14 | 04 |
| | | | 40 | | 00 | 71 | 41 |
| | | | 39 | | 00 | 09 | 06 |
| Total | | | | | 01 | 23 | 67 |

[F. No. R-31015/20/2004-O.R.-II]

A. GOSWAMI, Under Secy.

नई दिल्ली, 5 फरवरी, 2007

का. आ. 380.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 3485 तारीख 29 अगस्त, 2006, जो भारत के राजपत्र तारीख 2 सितम्बर, 2006 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में महाराष्ट्र राज्य में लोनी (पुणे) से पकनी (सोलापुर) तक हजारवाडी के रास्ते पेट्रोलियम उत्पादों के परिवहन के लिए मुम्बई-पुणे पाइपलाइन विस्तार परियोजना के माध्यम से हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 20 नवम्बर, 2006, को उपलब्ध करा दी गई थीं ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगमों से मुक्त, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा।

| अनुसूची | | | | | | | |
|---------------|------------|---------------|---------|--------------------|-----------|-----|-----------|
| तालुका : खटाव | | जिला : सातारा | | राज्य : महाराष्ट्र | | | |
| क्रम सं. | गाव का नाम | सर्वे नंबर | गट नंबर | उप-खण्ड संख्या | क्षेत्रफल | | |
| 1 | 2 | 3 | 4 | 5 | हेक्टर | एयर | वर्ग मीटर |
| 1 | मोल | | 611 | | 00 | 02 | 82 |
| | | | | कुल | 00 | 02 | 82 |
| 2 | डिस्कल | | 1285 | | 00 | 00 | 60 |
| | | | 1316 | | 00 | 02 | 86 |
| | | | 1022 | | 00 | 19 | 42 |
| | | | 1284 | | 00 | 02 | 63 |
| | | | 1271 | | 00 | 06 | 36 |
| | | | | कुल | 00 | 31 | 87 |
| 3 | ललगुण | | 328 | | 00 | 01 | 80 |
| | | | 330 | | 00 | 01 | 82 |
| | | | 384 | | 00 | 05 | 84 |
| | | | 39 | 8 | 00 | 04 | 11 |
| | | | 1098 | | 00 | 23 | 49 |
| | | | 1065 | | 00 | 01 | 24 |
| | | | 411 | | 00 | 05 | 62 |
| | | | | कुल | 00 | 43 | 92 |
| 4 | नागनाथवाडी | | 307 | | 00 | 06 | 28 |
| | | | 130 | | 00 | 33 | 83 |
| | | | | कुल | 00 | 40 | 11 |
| 5 | पवारवाडी | | 361 | | 00 | 09 | 50 |
| | | | 357 | | 00 | 01 | 35 |
| | | | 391 | | 00 | 11 | 11 |
| | | | 544 | | 00 | 01 | 50 |
| | | | | कुल | 00 | 23 | 46 |
| 6 | पुसेगाँव | | 1125 | | 00 | 03 | 08 |
| | | | | कुल | 00 | 03 | 08 |

| तालुका : खटाव | | जिला : सातारा | | राज्य : महाराष्ट्र | | | |
|---------------|------------|---------------|---------|--------------------|-----------|-----|-----------|
| क्रम सं. | गाव का नाम | सर्वे नंबर | गट नंबर | उप-खण्ड संख्या | क्षेत्रफल | | |
| | | | | | हेक्टर | एयर | वर्ग मीटर |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 7 | विसापुर | | 878 | | 00 | 18 | 22 |
| | | | 1157 | | 00 | 05 | 15 |
| | | | 893 | | 00 | 04 | 58 |
| | | | 891 | | 00 | 00 | 98 |
| | | | कुल | | 00 | 28 | 93 |
| 8 | खातगुण | | 852 | | 00 | 07 | 64 |
| | | | कुल | | 00 | 07 | 64 |
| 9 | जखणगांव | | 569 | | 00 | 03 | 17 |
| | | | 732 | | 00 | 03 | 38 |
| | | | 699 | | 00 | 03 | 89 |
| | | | कुल | | 00 | 10 | 44 |
| 10 | वरुड | | 724 | | 00 | 03 | 48 |
| | | | कुल | | 00 | 03 | 48 |
| 11 | औंध | 57 | | | 00 | 22 | 33 |
| | | | कुल | | 00 | 22 | 33 |
| 12 | पलशी | | 951 | | 00 | 07 | 45 |
| | | | कुल | | 00 | 07 | 45 |
| 13 | चोराडे | | 767 | 2 | 00 | 07 | 99 |
| | | | 800 | | 00 | 07 | 01 |
| | | | कुल | | 00 | 15 | 00 |

[फा. सं. आर-31015/32/2004-ओ.आर.-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 5th February, 2007

S. O. 380.— Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 3485, dated the 29th August, 2006, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the 2nd September, 2006, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying an extension pipeline for transportation of petroleum products through Mumbai-Pune Pipeline Extension Project from Loni (Pune) to Pakni (Solapur) via Hazarwadi in the State of Maharashtra by Hindustan Petroleum Corporation Limited;

And whereas the copies of the said Gazette notification were made available to the public on the 20th November, 2006;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Hindustan Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

| Taluka : KHATAV | | | District : SATARA | | State : MAHARASHTRA | | |
|-----------------|---------------------|------------|-------------------|------------------|---------------------|-----|-------|
| Sr. No. | Name of the Village | Survey No. | Gat No. | Sub-Division No. | Area | | |
| | | | | | Hectare | Are | Sq.mt |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 1 | MOL | | 611 | | 00 | 02 | 82 |
| | | | | Total | 00 | 02 | 82 |
| 2 | DISKAL | | 1285 | | 00 | 00 | 60 |
| | | | 1316 | | 00 | 02 | 86 |
| | | | 1022 | | 00 | 19 | 42 |
| | | | 1284 | | 00 | 02 | 63 |
| | | | 1271 | | 00 | 06 | 36 |
| | | | | Total | 00 | 31 | 87 |
| 3 | LALGUN | | 328 | | 00 | 01 | 80 |
| | | | 330 | | 00 | 01 | 82 |
| | | | 384 | | 00 | 05 | 84 |
| | | | 39 | 8 | 00 | 04 | 11 |
| | | | 1098 | | 00 | 23 | 49 |
| | | | 1065 | | 00 | 01 | 24 |
| | | | 411 | | 00 | 05 | 62 |
| | | | | Total | 00 | 43 | 92 |
| 4 | NAGNATHWADI | | 307 | | 00 | 06 | 28 |
| | | | 130 | | 00 | 33 | 83 |
| | | | | Total | 00 | 40 | 11 |
| 5 | PAWARWADI | | 361 | | 00 | 09 | 50 |
| | | | 357 | | 00 | 01 | 35 |
| | | | 391 | | 00 | 11 | 11 |
| | | | 544 | | 00 | 01 | 50 |
| | | | | Total | 00 | 23 | 46 |
| 6 | PUSEGAON | | 1125 | | 00 | 03 | 08 |
| | | | | Total | 00 | 03 | 08 |
| 7 | VISAPUR | | 878 | | 00 | 18 | 22 |
| | | | 1157 | | 00 | 05 | 15 |
| | | | 893 | | 00 | 04 | 58 |
| | | | 891 | | 00 | 00 | 98 |
| | | | | Total | 00 | 28 | 93 |
| 8 | KHATGUN | | 852 | | 00 | 07 | 64 |
| | | | | Total | 00 | 07 | 64 |

| Taluka : KHATAV | | | District : SATARA | | State : MAHARASHTRA | | |
|-----------------|---------------------|------------|-------------------|------------------|---------------------|-----------|-----------|
| Sr. No. | Name of the Village | Survey No. | Gat No. | Sub-Division No. | Area | | |
| | | | | | Hectare | Are | Sq.mt |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 9 | JAKHANGAON | | 569 | | 00 | 03 | 17 |
| | | | 732 | | 00 | 03 | 38 |
| | | | 699 | | 00 | 03 | 89 |
| | | | Total | | 00 | 10 | 44 |
| 10 | VARUD | | 724 | | 00 | 03 | 48 |
| | | | Total | | 00 | 03 | 48 |
| 11 | AUNDH | 57 | | | 00 | 22 | 33 |
| | | | Total | | 00 | 22 | 33 |
| 12 | PALSHI | | 951 | | 00 | 07 | 45 |
| | | | Total | | 00 | 07 | 45 |
| 13 | CHORADE | | 767 | 2 | 00 | 07 | 99 |
| | | | 800 | | 00 | 07 | 01 |
| | | | Total | | 00 | 15 | 00 |

[F. No. R-31015/32/2004-O.R.-II]

A. GOSWAMI, Under Secy.

नई दिल्ली, 5 फरवरी, 2007

का. आ. 381.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 3999 तारीख 09 अक्टूबर, 2006 जो भारत के राजपत्र तारीख 14 अक्टूबर 2006, में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में गुजरात राज्य में मुन्द्रा से दिल्ली तक पेट्रोलियम उत्पादों के परिवहन के लिए मुन्द्रा-दिल्ली पेट्रोलियम उत्पाद पाइपलाइन के माध्यम से हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 04 दिसम्बर, 2006, को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाए ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, इस मंत्रालय के सहमति पत्र सं. आर - 31015/7/03 ओ.आर.-II दिनांक 25/11/2004 द्वारा लगाई गई शर्तों के अधीन सभी विल्लंगनों से मुक्त, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

| तालुका : कांकरेज | | जिला : बनासकांठ | | राज्य : गुजरात | | |
|------------------|---------------|-----------------|-------------|----------------|-----|-----------|
| क्रम सं. | गाँव का नाम | खसरा सं. | उप खण्ड सं. | क्षेत्रफल | | |
| 1 | 2 | 3 | 4 | हेक्टेयर | एयर | वर्ग मीटर |
| 1. | मांडला | 588 | | 0 | 20 | 20 |
| 2. | थली (गंगापुर) | 1 | पी18 | 0 | 20 | 20 |
| | | 1 | पी19 | 0 | 11 | 80 |
| | | 1 | पी17 | 0 | 28 | 35 |
| 3. | कम्बोड़ | 820 | पी2 | 0 | 08 | 07 |
| | | 1698 | | 0 | 25 | 66 |
| | | 1697 | 2 | 0 | 00 | 40 |
| | | 1699 | | 0 | 15 | 32 |
| | | 1749 | पी1 | 0 | 06 | 54 |
| 4. | रानेर | 1156 | | 0 | 03 | 69 |
| | | 1134 | | 0 | 03 | 11 |
| | | 1110 | | 0 | 02 | 50 |
| | | 1111 | | 0 | 02 | 05 |

[फा. सं. आर-31015/38/2004-ओ.आर.-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 5th February, 2007

S.O. 381.— Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 3999 dated the 9th October, 2006, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), published in the Gazette of India dated the 14th October, 2006, the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline through Mundra Delhi Petroleum Product Pipeline for transportation of petroleum products from Mundra in the State of Gujarat to Delhi by Hindustan Petroleum Corporation Limited;

And whereas copies of the said Gazette notification were made available to the public on the 04th December 2006;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of declaration, in Hindustan Petroleum Corporation Limited, free from all encumbrances, subject to the conditions imposed vide this Ministry's consent letter no. R-31015/7/03 OR- II dated 25-11-2004.

SCHEDULE

| Taluk : KANKREJ | | District : BANASKANTHA | | State : GUJARAT | | |
|-----------------|------------------|------------------------|------------------|-----------------|-----|---------|
| Sr. No | Name of Village | Survey no. | Sub-Division No. | Area | | |
| | | | | Hectare | Are | Sq.mtr. |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 1. | MANDLA | 588 | | 0 | 20 | 20 |
| 2. | THALI (GANGAPUR) | 1 | P18 | 0 | 20 | 20 |
| | | 1 | P19 | 0 | 11 | 80 |
| | | 1 | P17 | 0 | 28 | 35 |
| 3. | KOMBOI | 820 | P2 | 0 | 08 | 07 |
| | | 1698 | | 0 | 25 | 66 |
| | | 1697 | 2 | 0 | 00 | 40 |
| | | 1699 | | 0 | 15 | 32 |
| | | 1749 | 1P1 | 0 | 06 | 54 |
| 4. | RANER | 1156 | | 0 | 03 | 69 |
| | | 1134 | | 0 | 03 | 11 |
| | | 1110 | | 0 | 02 | 50 |
| | | 1111 | | 0 | 02 | 05 |

[F. No. R-31015/38/2004-O.R.-II]

A. GOSWAMI, Under Secy.

नई दिल्ली, 5 फरवरी, 2007

का. आ. 382.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 3815 तारीख 20 सितम्बर, 2006, जो भारत के राजपत्र तारीख 23 सितम्बर, 2006 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में महाराष्ट्र राज्य में लोनी (पुणे) से पकनी (सोलापुर) तक हजारवाडी के रास्ते पेट्रोलियम उत्पादों के परिवहन के लिए मुम्बई-पुणे पाइपलाइन विस्तार परियोजना के माध्यम से हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 24 नवम्बर, 2006, को उपलब्ध करा दी गई थीं ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लिंगमों से मुक्त, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा।

| अनुसूची | | | | | | | | |
|-----------------|--------------|------------|---------------|----------------|--------------------|-----|-----------|---|
| तालुका : खंडाला | | | जिला : सातारा | | राज्य : महाराष्ट्र | | | |
| क्रम सं. | गांव का नाम | सर्वे नंबर | गट नंबर | उप-खण्ड संख्या | क्षेत्रफल | | | |
| 1 | 2 | 3 | 4 | 5 | हेक्टर | एयर | वर्ग मीटर | 8 |
| 1 | पिंपरे बु. | | 528 | | 00 | 14 | 76 | |
| | | | | कुल | 00 | 14 | 76 | |
| 2 | बावकलवाडी | | 295 | | 00 | 01 | 03 | |
| | | | 150 | | | 06 | 50 | |
| | | | 127 | | 00 | 01 | 36 | |
| | | | 131 | | 00 | 00 | 78 | |
| | | | 134 | | 00 | 02 | 16 | |
| | | | 136 | | 00 | 02 | 04 | |
| | | | | कुल | 00 | 13 | 87 | |
| 3 | मरीआडची वाडी | | 70 | | 00 | 02 | 85 | |
| | | | | कुल | 00 | 02 | 85 | |

[फा. सं. आर-31015/31/2004-ओ.आर.-11]

ए. गोस्वामी, अवर सचिव

New Delhi, the 5th February, 2007

S. O. 382.— Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 3815, dated the 20th September, 2006, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the 23rd September, 2006, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying an extension pipeline for transportation of petroleum products through Mumbai-Pune Pipeline Extension Project from Loni (Pune) to Pakni (Solapur) via Hazarwadi in the State of Maharashtra by Hindustan Petroleum Corporation Limited;

And whereas the copies of the said Gazette notification were made available to the public on the 24th November, 2006;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Hindustan Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

| Taluka : KHANDALA | | | District : SATARA | | State : MAHARASHTRA | | |
|-------------------|---------------------|------------|-------------------|------------------|---------------------|-----|-------|
| Sr. No. | Name of the Village | Survey No. | Gat No. | Sub-Division No. | Area | | |
| | | | | | Hectare | Are | Sq.mt |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 1 | PIMPRE BK | | 528 | | 00 | 14 | 76 |
| | | | | Total | 00 | 14 | 76 |
| 2 | BAVKALWADI | | 295 | | 00 | 01 | 03 |
| | | | 150 | | 00 | 06 | 50 |
| | | | 127 | | 00 | 01 | 36 |
| | | | 131 | | 00 | 00 | 78 |
| | | | 134 | | 00 | 02 | 16 |
| | | | 136 | | 00 | 02 | 04 |
| | | | | Total | 00 | 13 | 87 |
| 3 | MARIAICHIWADI | | 70 | | 00 | 02 | 85 |
| | | | | Total | 00 | 02 | 85 |

[F. No. R-31015/31/2004-O.R.-II]

A. GOSWAMI, Under Secy.

नई दिल्ली, 5 फरवरी, 2007

का. आ. 383.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 4252 तारीख 30 अक्टूबर, 2006 जो भारत के राजपत्र तारीख 04 नवम्बर 2006, में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में गुजरात राज्य में मुन्द्रा से दिल्ली तक पेट्रोलियम उत्पादों के परिवहन के लिए मुन्द्रा-दिल्ली पेट्रोलियम उत्पाद पाइपलाइन के माध्यम से हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 30 नवम्बर 2006, को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात्, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाए ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, इस मंत्रालय के सहमति पत्र सं. आर - 31015/7/03 ओ.आर-II दिनांक 25/11/2004 द्वारा लगाई गई शर्तों के अधीन सभी विल्लंगनों से मुक्त, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

| तालुका : राधनपुर | | जिला : पाटण | | राज्य : गुजरात | | |
|------------------|-------------|-------------|-------------|----------------|-----|-----------|
| क्रम सं. | गाँव का नाम | खसरा सं. | उप खण्ड सं. | क्षेत्रफल | | |
| | | | | हेक्टेयर | एयर | वर्ग मीटर |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 1. बंधवड | | 43 | पी1 | 0 | 10 | 08 |
| | | 49 | 2पी2 | 0 | 22 | 09 |

[फा. सं. आर-31015/39/2004-ओ.आर-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 5th February, 2007

S. O. 383.— Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 4252 dated the 30th October, 2006, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), published in the Gazette of India dated the 04th November, 2006, the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline through Mundra - Delhi Petroleum Product Pipeline for transportation of petroleum products from Mundra in the State of Gujarat to Delhi by Hindustan Petroleum Corporation Limited;

And whereas copies of the said Gazette notification were made available to the public on the 30th November 2006;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of declaration, in Hindustan Petroleum Corporation Limited, free from all encumbrances, subject to the conditions imposed vide this Ministry's consent letter no. R-31015/7/03 OR- II dated 25-11-2004.

SCHEDULE

| Taluka : RADHANPUR | | District : PATAN | | State : GUJARAT | | |
|--------------------|-----------------|------------------|------------------|-----------------|-----|---------|
| Sr. No | Name of Village | Survey no. | Sub-Division No. | Area | | |
| | | | | Hectare | Are | Sq.mtr. |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 1. | BANDHWAD | 43 | P1 | 0 | 10 | 08 |
| | | 49 | 2P2 | 0 | 22 | 09 |

[F. No. R-31015/39/2004-O.R.-II]

A. GOSWAMI, Under Secy.

नई दिल्ली, 5 फरवरी, 2007

का. आ. 384.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 4251 तारीख 30 अक्तूबर, 2006, जो भारत के राजपत्र तारीख 04 नवम्बर, 2006, में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में गुजरात राज्य में मुन्द्रा से दिल्ली तक पेट्रोलियम उत्पादों के परिवहन के लिए मुन्द्रा-दिल्ली पेट्रोलियम उत्पाद पाइपलाइन के माध्यम से हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 29 नवम्बर, 2006, को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाए ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, इस मंत्रालय के सहमति पत्र सं. आर - 31015/7/03 ओ.आर-II दिनांक 25/11/2004 द्वारा लगाई गई शर्तों के अधीन सभी विल्लंगमों से मुक्त, हिन्दुस्तान पेट्रोलिएम कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

| तालुका : डीसा | | जिला : बनासकांठ | | राज्य : गुजरात | | |
|---------------|-------------|-----------------|-------------|----------------|-----|-----------|
| क्रम सं. | गाँव का नाम | खसरा सं. | उप खण्ड सं. | क्षेत्रफल | | |
| | | | | हेक्टेयर | एयर | वर्ग मीटर |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 1. | समौ नावावास | 491 | पी1 | 0 | 02 | 20 |

[फा. सं. आर-31015/18/2004-ओ.आर.-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 5th February, 2007

S. O. 384.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 4251 dated the 30th October, 2006, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), published in the Gazette of India dated the 04th November, 2006, the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline through Mundra Delhi Petroleum Product Pipeline for transportation of petroleum products from Mundra in the State of Gujarat to Delhi by Hindustan Petroleum Corporation Limited;

And whereas copies of the said Gazette notification were made available to the public on the 29th November, 2006;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of declaration, in Hindustan Petroleum Corporation Limited, free from all encumbrances, subject to the conditions imposed vide this Ministry's consent letter no. R-31015/7/03 OR- II dated 25-11-2004.

SCHEDULE

| Taluk : DEESA | | District : BANASKANTHA | | State : GUJARAT | | |
|---------------|-----------------|------------------------|------------------|-----------------|-----|---------|
| Sr. No | Name of Village | Survey no. | Sub-Division No. | Area | | |
| | | | | Hectare | Are | Sq.mtr. |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 1 | SAMAU NANAVAS | 491 | P1 | 0 | 02 | 20 |

[F. No. R-31015/18/2004-O.R.-II]

A. GOSWAMI, Under Secy.

नई दिल्ली, 5 फरवरी, 2007

का. आ. 385.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 3487 तारीख 29 अगस्त, 2006, जो भारत के राजपत्र तारीख 02 सितम्बर, 2006, में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मध्यप्रदेश राज्य में मांगल्या (इंदौर) संस्थापन से हरियाणा राज्य में पियाला तथा दिल्ली राष्ट्रीय राजधानी क्षेत्र में बिजवासन तक पेट्रोलियम उत्पादों के परिवहन के लिए मुंबई—मांगल्या पाइपलाइन विस्तार परियोजना के माध्यम से भारत पेट्रोलियम कारपोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 04 नवम्बर, 2006 को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिये अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगमों से मुक्त, भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा !

अनुसूची

तहसील : भरतपुर

जिला : भरतपुर

राज्य : राजस्थान

| क्र० | ग्राम का नाम | सर्वे नंबर | क्षेत्रफल हेक्टेयर में |
|------|----------------------|------------|------------------------|
| 1 | 2 | 3 | 4 |
| 1 | ढोंटपुर | 200 | 0.0120 |
| | | 116 | 0.0256 |
| | | 121 | 0.0114 |
| | | 123 | 0.0289 |
| | | 128 | 0.0070 |
| | | 170 | 0.0095 |
| | | 212 | 0.0138 |
| | | 204 | 0.0077 |
| 2 | तुहिया | 1622 | 0.0203 |
| | | 1867 | 0.0581 |
| | | 1884 | 0.0168 |
| | | 1784 | 0.0124 |
| | | 1785 | 0.0190 |
| | | 1786 | 0.0190 |
| | | 1613 | 0.0100 |
| 3 | गुंडवा | 850 | 0.0305 |
| | | 823 | 0.0284 |
| | | 845 | 0.0210 |
| 4 | सेवर कलां | 803 | 0.0414 |
| | | 809 | 0.0614 |
| | | 771 | 0.0324 |
| 5 | धीरमुई | 689 | 0.0846 |
| | | 716 | 0.0400 |
| 6 | कस्बा भरतपुर चक नं.2 | 332 / 3399 | 0.1312 |
| 7 | विलौठी | 219 | 0.0100 |
| | | 646 | 0.0297 |
| | | 257 | 0.0140 |
| | | 863 | 0.0470 |
| | | 864 | 0.0160 |
| | | 247 | 0.0234 |
| | | 311 | 0.0510 |
| 8 | जघीना 1 | 2463 | 0.0562 |
| | | 1364 | 0.0160 |
| | | 1424 | 0.0720 |
| | | 2469 | 0.0252 |

| क्र० | ग्राम का नाम | सर्वे नंबर | क्षेत्रफल हैक्टेयर में |
|------|--------------|------------|------------------------|
| 1 | 2 | 3 | 4 |
| 9 | अड्डी | 145 | 0.0280 |
| | | 98/ 187 | 0.0790 |
| | | 116 | 0.0130 |
| | | 97 | 0.1000 |
| | | 102 | 0.0464 |
| | | 97/ 173 | 0.0100 |
| 10 | पार | 752 | 0.0190 |
| | | 783/ 1106 | 0.0320 |
| | | 783 | 0.0200 |

[फा. सं. आर-31015/82/2005-ओ.आर.-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 5th February, 2007

S. O. 385.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O.3487, dated the 29th August 2006, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act) published in the Gazette of India dated the 02nd September, 2006, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying an extension pipeline for transportation of petroleum products through Mumbai-Manglya Pipeline Extension Project from Manglya (Indore) terminal in the State of Madhya Pradesh to Piyala in the State of Haryana and Bijwasan in the NCT of Delhi by Bharat Petroleum Corporation Limited ;

And whereas the copies of the said Gazette notification were made available to the public on the 04th November, 2006.

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land, specified in the Schedule, appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Bharat Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE**TENSIL : BHARATPUR DISTRICT : BHARATPUR STATE : RAJASTHAN**

| S.No. | NAME OF VILLAGE | SURVEY NO. | AREA IN HECTARE |
|-------|---------------------------|------------|-----------------|
| 1 | 2 | 3 | 4 |
| 1 | TONI PUR | 200 | 0.0120 |
| | | 116 | 0.0256 |
| | | 121 | 0.0114 |
| | | 123 | 0.0289 |
| | | 128 | 0.0070 |
| | | 170 | 0.0095 |
| | | 212 | 0.0138 |
| | | 204 | 0.0077 |
| | | 1622 | 0.0203 |
| 2 | TUHIYA | 1867 | 0.0581 |
| | | 1884 | 0.0168 |
| | | 1784 | 0.0124 |
| | | 1785 | 0.0190 |
| | | 1786 | 0.0190 |
| | | 1613 | 0.0100 |
| | | 850 | 0.0305 |
| 3 | GUNDVA | 823 | 0.0284 |
| | | 845 | 0.0210 |
| | | 803 | 0.0414 |
| 4 | SEWAR KALAN | 809 | 0.0614 |
| | | 771 | 0.0324 |
| | | 689 | 0.0846 |
| 5 | DHORMUEI | 716 | 0.0400 |
| | | 332 / 3399 | 0.1312 |
| 6 | KASBA BHARATPUR CHAK NO 2 | 219 | 0.0100 |
| | | 646 | 0.0297 |
| | | 257 | 0.0140 |
| | | 863 | 0.0470 |
| | | 864 | 0.0160 |
| | | 247 | 0.0234 |
| | | 311 | 0.0510 |
| | | 2463 | 0.0562 |
| 7 | VILOTHI | 1364 | 0.0160 |
| | | 1424 | 0.0720 |
| | | 2469 | 0.0252 |
| | | | |
| 8 | JAGHINA 1 | | |
| | | | |
| | | | |
| | | | |
| | | | |

| S.No. | NAME OF VILLAGE | SURVEY NO. | AREA IN HECTARE |
|-------|-----------------|------------|-----------------|
| 1 | 2 | 3 | 4 |
| 9 | ADDI | 145 | 0.0280 |
| | | 98/ 187 | 0.0790 |
| | | 116 | 0.0130 |
| | | 97 | 0.1000 |
| | | 102 | 0.0464 |
| | | 97/ 173 | 0.0100 |
| 10 | PAR | 752 | 0.0190 |
| | | 783/ 1106 | 0.0320 |
| | | 783 | 0.0200 |

[F. No. R-31015/82/2005-O.R.-II]
A. GOSWAMI, Under Secy.

नई दिल्ली, 5 फरवरी, 2007

का. आ. 386.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 3817 तारीख 20 सितम्बर, 2006, जो भारत के राजपत्र तारीख 23 सितम्बर, 2006 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मध्यप्रदेश राज्य में मांगल्या (इंदौर) संस्थापन से हरियाणा राज्य में पियाला तथा दिल्ली राष्ट्रीय राजधानी क्षेत्र में बिजवासन तक पेट्रोलियम उत्पादों के परिवहन के लिए मुंबई-मांगल्या पाइपलाइन विस्तार परियोजना के माध्यम से भारत पेट्रोलियम कारपोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय के घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 10 नवम्बर, 2006 को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिये अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए, सभी विवर्तनों से मुक्त, भारत पेट्रोलियम कारपोरेशन लिमिटेड में निहित होगा ।

अनुसूची

| तहसील : इन्द्रगढ़ | | जिला : बूंदी | राज्य : राजस्थान |
|-------------------|--------------|--------------|------------------------|
| क्र० | ग्राम का नाम | सर्वे नंबर | क्षेत्रफल हेक्टेयर में |
| 1 | 2 | 3 | 4 |
| 1. | भाण्डगंवार | 81 | 0.2304 |
| 2. | हरदेवगंज | 7/444 | 0.1584 |
| 3. | अंझोरा | 154 | 0.0200 |
| | | 155 | 0.0230 |

[फा. सं. आर-31015/85/2004-ओ.आर.-II]

ए. गोस्वामी, अवसर सचिव

New Delhi, the 5th February, 2007

S. O. 386.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 3817, dated the 20th September, 2006, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act) published in the Gazette of India dated the 23rd September, 2006, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying an extension pipeline for transportation of petroleum products through Mumbai-Manglya Pipeline Extension Project from Manglya (Indore) terminal in the State of Madhya Pradesh to Piyala in the State of Haryana and Bijwasan in the NCT of Delhi by Bharat Petroleum Corporation Limited ;

And whereas the copies of the said Gazette notification were made available to the public on the 10th November, 2006;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land, specified in the Schedule, appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Bharat Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

| TEHSIL : INDERGARH | | DISTRICT : BUNDI | STATE : RAJASTHAN |
|--------------------|-----------------|------------------|-------------------|
| S.No. | NAME OF VILLAGE | SURVEY NO. | AREA IN HECTARE |
| 1 | 2 | 3 | 4 |
| 1. | BHANDGANWAR | 81 | 0.2304 |
| 2. | HARDEV GANJ | 7/444 | 0.1584 |
| 3. | ANGHORA | 154 | 0.0200 |
| | | 155 | 0.0230 |

[F. No. R-31015/85/2004-O.R.-II]

A. GOSWAMI, Under Secy.

नई दिल्ली, 5 फरवरी, 2007

का. आ. 387.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 3486 तारीख 29 अगस्त, 2006, जो भारत के राजपत्र तारीख 02 सितम्बर, 2006 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मध्यप्रदेश राज्य में मांगल्या (इंदौर) संस्थापन से हरियाणा राज्य में पियाला तथा दिल्ली राष्ट्रीय राजधानी क्षेत्र में बिजवासन तक पेट्रोलियम उत्पादों के परिवहन के लिए मुंबई-मांगल्या पाइपलाइन विस्तार परियोजना के माध्यम से भारत पेट्रोलियम कारपोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 17 अक्टूबर, 2006 को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिये अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगमों से मुक्त, भारत पेट्रोलियम कारपोरेशन लिमिटेड में निहित होगा ।

अनुसूची

तहसील : केशवरायपाटन

जिला : बुन्देलखण्ड

राज्य : राजस्थान

| क्र० | ग्राम का नाम | सर्वे नंबर | क्षेत्रफल हेक्टेयर में |
|------|--------------|------------|------------------------|
| 1 | 2 | 3 | 4 |
| 1 | पटोलिया | 377 | 0.0220 |
| | | 378 | 0.0440 |
| | | 315 | 0.0860 |
| | | 320 | 0.0360 |
| | | 313 | 0.0360 |
| | | 223 | 0.0150 |

[फा. सं. आर-31015/9/2004-ओ.आर.-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 5th February, 2007

S. O. 387.— Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O.3486, dated the 29th August, 2006, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act) published in the Gazette of India dated the 02 September, 2006, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying on extension pipeline for transportation of petroleum products through Mumbai-Manglya Pipeline Extension Project from Manglya (Indore) terminal in the State of Madhya Pradesh, to Piyala in the State of Haryana and Bijwasan in the NCT of Delhi by Bharat Petroleum Corporation Limited ;

And whereas the copies of the said Gazette notification were made available to the public on the 17th October, 2006;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in land, specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Bharat Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE**TEHSIL : KESHAVRAI PATAN****DISTRICT: BUNDI****STATE : RAJASTHAN**

| S.No. | NAME OF VILLAGE | SURVEY NO. | AREA IN HECTARE |
|-------|-----------------|------------|-----------------|
| 1 | 2 | 3 | 4 |
| 1 | PATOLIYA | 377 | 0.0220 |
| | | 378 | 0.0440 |
| | | 315 | 0.0860 |
| | | 320 | 0.0360 |
| | | 313 | 0.0360 |
| | | 223 | 0.0150 |

[F. No. R-31015/9/2004-O.R.-II]

A. GOSWAMI, Under Secy.

नई दिल्ली, 8 फरवरी, 2007

का. आ. 388.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 3803 तारीख 18 सितंबर , 2006, जो भारत के राजपत्र तारीख 23 सितंबर, 2006 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में महाराष्ट्र राज्य में लोनी (पुणे) से पकनी (सोलापुर) तक हजारवाडी के रास्ते पेट्रोलियम उत्पादों के परिवहन के लिए मुम्बई-पुणे पाइपलाइन विस्तार परियोजना के माध्यम से हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 30 नवम्बर, 2006, को उपलब्ध करा दी गई थीं ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगनों से मुक्त, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा।

| अनुसूची | | | | | | | |
|------------------|--------------|---------------|---------|--------------------|-----------|-----|-----------|
| तालुका : कडेगाँव | | जिला : सांगली | | राज्य : महाराष्ट्र | | | |
| क्रम सं. | गाव का नाम | सर्वे नंबर | गट नंबर | उप-खण्ड संख्या | क्षेत्रफल | | |
| 1 | 2 | 3 | 4 | 5 | हेक्टर | एयर | वर्ग मीटर |
| 1 | तोंडाभी | | 401 | | 00 | 12 | 50 |
| | | | 400 | | 00 | 02 | 71 |
| | | | 375 | | 00 | 02 | 18 |
| | | | 392 | | 00 | 01 | 68 |
| | | | 596 | | 00 | 09 | 84 |
| | | | | कुल | 00 | 28 | 91 |
| 2 | अमरापुर | | 905 | | 00 | 24 | 66 |
| | | | | कुल | 00 | 24 | 66 |
| 3 | येवलेवाडी | | 256 | 6 | 00 | 04 | 00 |
| | | | | कुल | 00 | 04 | 00 |
| 4 | शिवणी | | 214 | | 00 | 06 | 89 |
| | | | | कुल | 00 | 06 | 89 |
| 5 | वडिये रायबाग | | 1261 | | 00 | 02 | 69 |
| | | | 1260 | | 00 | 01 | 35 |
| | | | 1236 | | 00 | 12 | 48 |
| | | | 1117 | | 00 | 08 | 93 |
| | | | 1114 | | 00 | 03 | 78 |
| | | | 1113 | | 00 | 06 | 12 |
| | | | 1111 | | 00 | 01 | 67 |
| | | | 1118 | | 00 | 15 | 64 |
| | | | | कुल | 00 | 52 | 66 |
| 6 | सेलकवाव | | 389 | | 00 | 03 | 70 |
| | | | | कुल | 00 | 03 | 70 |

[फा. सं. आर-31015/29/2004-ओ.आर. II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 8th February, 2007

S. O. 388.— Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 3803, dated the 18th September, 2006, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the 23rd September, 2006, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying an extension pipeline for transportation of petroleum products through Mumbai-Pune Pipeline Extension Project from Loni (Pune) to Pakni (Solapur) via Hazarwadi in the State of Maharashtra by Hindustan Petroleum Corporation Limited;

And whereas the copies of the said Gazette notification were made available to the public on the 30th November, 2006;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Hindustan Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

| SCHEDULE | | | | | | | |
|-------------------|---------------------|------------|-------------------|------------------|---------------------|-----|-------|
| Taluka : KADEGAON | | | District : SANGLI | | State : MAHARASHTRA | | |
| Sr. No. | Name of the Village | Survey No. | Gat No. | Sub-Division No. | Area | | |
| | | | | | Hectare | Are | Sq.mt |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 1 | TONDOLI | | 401 | | 00 | 12 | 50 |
| | | | 400 | | 00 | 02 | 71 |
| | | | 375 | | 00 | 02 | 18 |
| | | | 392 | | 00 | 01 | 68 |
| | | | 596 | | 00 | 09 | 84 |
| Total | | | | | 00 | 28 | 91 |
| 2 | AMRAPUR | | 905 | | 00 | 24 | 66 |
| | | Total | | | | | 00 |
| 3 | YEVELEVADI | | 256 | 6 | 00 | 04 | 00 |
| | | Total | | | | | 00 |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|---|----------------|---|------|-------|----|----|----|
| 4 | SHUVNI | | 214 | | 00 | 06 | 89 |
| | | | | Total | 00 | 06 | 89 |
| 5 | VADIYE RAYBAGH | | 1261 | | 00 | 02 | 69 |
| | | | 1260 | | 00 | 01 | 35 |
| | | | 1236 | | 00 | 12 | 48 |
| | | | 1117 | | 00 | 08 | 93 |
| | | | 1114 | | 00 | 03 | 78 |
| | | | 1113 | | 00 | 06 | 12 |
| | | | 1111 | | 00 | 01 | 67 |
| | | | 1118 | | 00 | 15 | 64 |
| | | | | Total | 00 | 52 | 66 |
| 6 | SHELEGBAV | | 389 | | 00 | 03 | 70 |
| | | | | Total | 00 | 03 | 70 |

[F. No. R-31015/29/2004-O.R.-II]

A. GOSWAMI, Under Secy.

नई दिल्ली, 8 फरवरी, 2007

का. आ. 389.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 3867 तारीख 28 सितंबर , 2006, जो भारत के राजपत्र तारीख 30 सितंबर, 2006 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में महाराष्ट्र राज्य में लोनी (पुणे) से पकनी (सोलापुर) तक हजारवाडी के रास्ते पेट्रोलियम उत्पादों के परिवहन के लिए मुम्बई-पुणे पाइपलाइन विस्तार परियोजना के माध्यम से हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 5 दिसम्बर, 2006, को उपलब्ध करा दी गई थीं ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगमों से मुक्त, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा।

| अनुसूची | | | | | | | |
|------------------|------------|------------|---------------|----------------|--------------------|-----|-----------|
| तालुका : खानापुर | | | जिला : सांगली | | राज्य : महाराष्ट्र | | |
| क्रम सं. | गाव का नाम | सर्वे नंबर | गट नंबर | उप-खण्ड संख्या | क्षेत्रफल | | |
| | | | | | हेक्टर | एयर | वर्ग मीटर |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 1 | भालवणी | | 1496 | | 00 | 00 | 60 |
| | | | | कुल | 00 | 00 | 60 |
| 2 | तांदलवाडी | | 143 | | 00 | 01 | 00 |
| | | | 142 | | 00 | 00 | 61 |
| | | | 262 | | 00 | 08 | 78 |
| | | | | कुल | 00 | 10 | 39 |

[फा. सं. आर-31015/28/2004-ओ.आर.-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 8th February, 2007

S. O. 389.— Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 3867, dated the 28th September, 2006, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the 30th September, 2006, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying an extension pipeline for transportation of petroleum products through Mumbai-Pune Pipeline Extension Project from Loni (Pune) to Pakni (Solapur) via Hazarwadi in the State of Maharashtra by Hindustan Petroleum Corporation Limited;

And whereas the copies of the said Gazette notification were made available to the public on the 5th December, 2006;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Hindustan Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

| Taluka : KHANAPUR | | | District : SANGLI | | State : MAHARASHTRA | | |
|-------------------|---------------------|------------|-------------------|------------------|---------------------|-----------|-----------|
| Sr. No. | Name of the Village | Survey No. | Gat No. | Sub-Division No. | Area | | |
| | | | | | Hectare | Are | Sq.mt |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 1 | BHALAVANI | | 1496 | | 00 | 00 | 60 |
| | | | | Total | 00 | 00 | 60 |
| 2 | TANDULWADI | | 143 | | 00 | 01 | 00 |
| | | | 142 | | 00 | 00 | 61 |
| | | | 262 | | 00 | 08 | 78 |
| | | | | Total | 00 | 10 | 39 |

[F. No. R-31015/28/2004-O.R.-II]

A. GOSWAMI, Under Secy.

नई दिल्ली, 8 फरवरी, 2007

का. आ. 390.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 2711 तारीख 12 जुलाई, 2006, जो भारत के राजपत्र तारीख 15 जुलाई, 2006 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में महाराष्ट्र राज्य में लोनी (पुणे) से पकनी (सोलापुर) तक हजारवाडी के रास्ते पेट्रोलियम उत्पादों के परिवहन के लिए मुम्बई-पुणे पाइपलाइन विस्तार परियोजना के माध्यम से हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 04 नवंबर, 2006, को उपलब्ध करा दी गई थीं ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगमों से मुक्त, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा।

| अनुसूची | | | | | | | |
|---------------------|------------|------------|----------------|----------------|--------------------|-----|-----------|
| तालुका : उ. सोलापुर | | | जिला : सोलापुर | | राज्य : महाराष्ट्र | | |
| क्रम सं. | गाव का नाम | सर्वे नंबर | गट नंबर | उप-खण्ड संख्या | क्षेत्रफल | | |
| | | | | | हेक्टर | एयर | वर्ग मीटर |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 1 | पकणी | | 55 | | 00 | 06 | 49 |
| | | | 145 | 2 | 00 | 05 | 33 |
| कुल | | | | | 00 | 11 | 82 |

[फा. सं. आर-31015/33/2004-ओ.आर.-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 8th February, 2007

S.O. 390.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 2711, dated the 12th July, 2006, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the 15th July, 2006, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying an extension pipeline for transportation of petroleum products through Mumbai-Pune Pipeline Extension Project from Loni (Pune) to Pakni (Solapur) via Hazarwadi in the State of Maharashtra by Hindustan Petroleum Corporation Limited;

And whereas the copies of the said Gazette notification were made available to the public on the 04th November, 2006;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Hindustan Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

| Taluka : N.SOLAPUR | | | District : SOLAPUR | | State : MAHARASHTRA | | |
|--------------------|---------------------|------------|--------------------|------------------|---------------------|-----------|-----------|
| Sr. No. | Name of the Village | Survey No. | Gat No. | Sub-Division No. | Area | | |
| | | | | | Hectare | Are | Sq.mt |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 1 | PAKNI | | 55 | | 00 | 06 | 49 |
| | | | 145 | 2 | 00 | 05 | 33 |
| Total | | | | | 00 | 11 | 82 |

[F. No. R-31015/33/2004-O.R.-II]

A. GOSWAMI, Under Secy.

नई दिल्ली, 8 फरवरी, 2007

का. आ. 391.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 3811 तारीख 20 सितम्बर, 2006, जो भारत के राजपत्र तारीख 23 सितम्बर, 2006 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में महाराष्ट्र राज्य में लोनी (पुणे) से पकनी (सोलापुर) तक हजारवाडी के रास्ते पेट्रोलियम उत्पादों के परिवहन के लिए मुम्बई-पुणे पाइपलाइन विस्तार परियोजना के माध्यम से हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 27 नवम्बर, 2006, को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लिंगमों से मुक्त, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा।

| अनुसूची | | | | | | | |
|----------------|------------|----------------|---------|--------------------|-----------|-----|-----------|
| तालुका : मोहोल | | जिला : सोलापुर | | राज्य : महाराष्ट्र | | | |
| क्रम सं. | गाव का नाम | सर्वे नंबर | गट नंबर | उप-खण्ड संख्या | क्षेत्रफल | | |
| | | | | | हेक्टर | एयर | वर्ग मीटर |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 1 | कोथाले | | 147 | | 00 | 04 | 26 |
| | | | 152 | | 00 | 02 | 02 |
| | | | | कुल | 00 | 06 | 28 |
| 2 | पोफली | | 140 | 2 | 00 | 01 | 09 |
| | | | | कुल | 00 | 01 | 09 |

[फा. सं. अर. 31015/23, 2004-30.239. 11]

गु. गोप्यतामो. अवर सीमित

New Delhi, the 8th February, 2007

S.O. 391.— Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 3811, dated the 20th September, 2006, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the 23rd September, 2006, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying an extension pipeline for transportation of petroleum products through Mumbai-Pune Pipeline Extension Project from Loni (Pune) to Pakni (Solapur) via Hazarwadi in the State of Maharashtra by Hindustan Petroleum Corporation Limited;

And whereas the copies of the said Gazette notification were made available to the public on the 27th November, 2006;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Hindustan Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

| Taluka : MOHOL | | | District : SOLAPUR | | State : MAHARASHTRA | | |
|----------------|---------------------|------------|--------------------|------------------|---------------------|-----------|-----------|
| Sr. No. | Name of the Village | Survey No. | Gat No. | Sub-Division No. | Area | | |
| | | | | | Hectare | Are | Sq.mt |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 1 | KOTHALE | | 147 | | 00 | 04 | 26 |
| | | | 152 | | 00 | 02 | 02 |
| | | | Total | | 00 | 06 | 28 |
| 2 | POPHLI | | 140 | 2 | 00 | 01 | 09 |
| | | | Total | | 00 | 01 | 09 |

[F. No. R-31015/23/2004-O.R.-II]

A. GOSWAMI, Under Secy.

नई दिल्ली, 8 फरवरी, 2007

का. आ. 392.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 3812 तारीख 20 सितम्बर, 2006, जो भारत के राजपत्र तारीख 23 सितम्बर, 2006 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन राज्य में लोनी (पुणे) से पकनी (सोलापुर) तक हजारावाडी के रास्ते पेट्रोलियम उत्पादों के परिवहन के लिए मुम्बई-पुणे पाइपलाइन विस्तार परियोजना के माध्यम से हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 30 नवम्बर, 2006, को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का निर्णय लिया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगमों से मुक्त, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा।

| अनुसूची | | | | | | | |
|------------------|--------------|------------|----------------|-------------|--------------------|-----|-----------|
| तालुका : पंढरपुर | | | जिला : सोलापुर | | राज्य : महाराष्ट्र | | |
| क्रम सं. | गाव का नाम | सर्वे नंबर | गट नंबर | खण्ड-संख्या | क्षेत्रफल | | |
| 1 | 2 | 3 | 4 | 5 | हेक्टर | एकर | वर्ग मीटर |
| 1 | आंबे चिंचोली | | 105 | 3 | 00 | 06 | 52 |
| | | | | कुल | 00 | 06 | 52 |
| 2 | शंकरगोंव | | 158 | | 00 | 02 | 32 |
| | | | 141 | 3 | 00 | 01 | 12 |
| | | | 138 | | 00 | 09 | 99 |
| | | | 130 | 1 | 00 | 01 | 02 |
| | | | 129 | 1 | 00 | 01 | 68 |
| | | | | कुल | 00 | 16 | 13 |
| 3 | पुलूजवाडी | | 326 | 1 | 00 | 05 | 35 |
| | | | 225 | 1 | 00 | 08 | 15 |
| | | | | कुल | 00 | 13 | 50 |

[फा. सं. आर-31015/21/2004 आ. आर- II]

ए. गोरेवामी, असस सचिव

New Delhi, the 8th February, 2007

S.O. 392.— Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 3812, dated the 20th September, 2006, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the 23rd September, 2006, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying an extension pipeline for transportation of petroleum products through Mumbai-Pune Pipeline Extension Project from Loni (Pune) to Pakni (Solapur) via Hazarwadi in the State of Maharashtra by Hindustan Petroleum Corporation Limited;

And whereas the copies of the said Gazette notification were made available to the public on the 30th November, 2006;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Hindustan Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

| Taluka : PANDHARPUR | | | District : SOLAPUR | | State : MAHARASHTRA | | |
|---------------------|---------------------|------------|--------------------|------------------|---------------------|-----|-------|
| Sr. No. | Name of the Village | Survey No. | Gat No. | Sub-Division No. | Area | | |
| | | | | | Hectare | Are | Sq.mt |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 1 | AMBE CHINCHOLI | | 105 | 3 | 00 | 06 | 52 |
| Total | | | | | 00 | 06 | 52 |
| 2 | SHANKARGAON | | 158 | | 00 | 02 | 32 |
| | | | 141 | 3 | 00 | 01 | 12 |
| | | | 138 | | 00 | 09 | 39 |
| | | | 130 | 1 | 00 | 01 | 02 |
| | | | 129 | 1 | 00 | 01 | 68 |
| Total | | | | | 00 | 16 | 13 |
| 3 | PULUJVADI | | 326 | 1 | 00 | 05 | 35 |
| | | | 225 | 1 | 00 | 08 | 15 |
| Total | | | | | 00 | 13 | 50 |

[F. No. R-3/015/21/2004-O.R.-II]

A. G. SWAMI, Under Secy

ई दिल्ली, 8 फरवरी, 2007

का. आ. 393.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 2710 तारीख 12 जुलाई, 2006, जो भारत के राजपत्र तारीख 15 जुलाई, 2006 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में महाराष्ट्र राज्य में लोनी (पुणे) से पकनी (सोलापुर) तक हजारवाडी के रास्ते पेट्रोलियम उत्पादों के परिवहन के लिए मुम्बई-पुणे पाइपलाइन विस्तार परियोजना के माध्यम से हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 07 अक्टूबर, 2006, को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाए, सभी पिल्लिंगमों से मुक्त, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा।

| अनुसूची | | | | | | | |
|-----------------|------------|-------------|---------|--------------------|-----------|-----|-----------|
| तालुका : पुरंदर | | जिला : पुणे | | राज्य : महाराष्ट्र | | | |
| क्रम सं. | गाव का नाम | सर्वे नंबर | गट नंबर | उप-खण्ड संख्या | क्षेत्रफल | | |
| 1 | 2 | 3 | 4 | 5 | हेक्टर | एयर | वर्ग मीटर |
| 1 | कुंभारवलन | | 115 | | 00 | 06 | 96 |
| | | | | कुल | 00 | 06 | 96 |
| 2 | खलद | | 870 | | 00 | 02 | 41 |
| | | | 867 | | 00 | 00 | 88 |
| | | | 733 | | 00 | 00 | 77 |
| | | | | कुल | 00 | 04 | 06 |
| 3 | शिवरी | | 1045 | | 00 | 10 | 65 |
| | | | 858 | | 00 | 03 | 44 |
| | | | | कुल | 00 | 14 | 09 |
| 4 | शिंदेवाडी | | 181 | | 00 | 12 | 97 |
| | | | 63 | | 00 | 02 | 95 |
| | | | 64 | | 00 | 01 | 92 |
| | | | 65 | | 00 | 04 | 05 |
| | | | 66 | | 00 | 04 | 21 |
| | | | | कुल | 00 | 26 | 10 |
| 5 | परिचे | | 2382 | | 00 | 00 | 60 |
| | | | 2379 | | 00 | 04 | 01 |
| | | | | कुल | 00 | 04 | 61 |
| 6 | हरणी | | 852 | | 00 | 10 | 71 |
| | | | 821 | | 00 | 04 | 42 |
| | | | 801 | | 00 | 00 | 30 |
| | | | 713 | | 00 | 02 | 07 |
| | | | 38 | | 00 | 03 | 48 |
| | | | 17 | | 00 | 01 | 05 |
| | | | 11 | | 00 | 12 | 51 |
| | | | | कुल | 00 | 34 | 54 |
| 7 | वीर | | 1783 | | 00 | 09 | 45 |
| | | | 1788 | | 00 | 04 | 47 |
| | | | 1794 | | 00 | 04 | 10 |
| | | | 1795 | | 00 | 05 | 04 |
| | | | 1808 | | 00 | 00 | 75 |
| | | | 1844 | | 00 | 19 | 38 |
| | | | 2027 | | 00 | 05 | 64 |
| | | | | कुल | 00 | 48 | 83 |
| 8 | मांडकी | | 730 | | 00 | 03 | 53 |
| | | | 931 | | 00 | 00 | 27 |
| | | | 932 | | 00 | 04 | 17 |
| | | | 933 | | 00 | 01 | 72 |
| | | | | कुल | 00 | 09 | 69 |

| तालुका : पुरंदर | | जिला : पुणे | | राज्य : महाराष्ट्र | | | |
|-----------------|------------|-------------|---------|--------------------|-----------|-----|-----------|
| क्रम सं. | गाव का नाम | सर्वे नंबर | गट नंबर | उप-खण्ड संख्या | क्षेत्रफल | | |
| 1 | 2 | 3 | 4 | 5 | हेक्टर | एयर | वर्ग मीटर |
| 9 | जेऊर | | 1015 | | 00 | 01 | 54 |
| | | | 1017 | | 00 | 07 | 21 |
| | | | 1016 | | 00 | 02 | 16 |
| | | | 969 | | 00 | 03 | 89 |
| | | | 1128 | | 00 | 03 | 00 |
| | | | 1117 | | 00 | 18 | 26 |
| | | | 999 | | 00 | 00 | 68 |
| | | | 991 | | 00 | 01 | 77 |
| | | | 982 | | 00 | 00 | 98 |
| | | | 785 | | 00 | 11 | 95 |
| | | | 786 | | 00 | 01 | 77 |
| | | | 814 | | 00 | 02 | 72 |
| कुल | | | | | 00 | 55 | 93 |

[फा. सं. आर 31015-25/2004-ओ.आर. II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 8th February, 2007

S. O. 393.— Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 2710, dated the 12th July, 2006, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the 15th July, 2006, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying an extension pipeline for transportation of petroleum products through Mumbai-Pune Pipeline Extension Project from Loni (Pune) to Pakni (Solapur) via Hazarwadi in the State of Maharashtra by Hindustan Petroleum Corporation Limited;

And whereas the copies of the said Gazette notification were made available to the public on the 07th October, 2006;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Hindustan Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

| Taluka : PURANDHAR | | | District : PUNE | | State : MAHARASHTRA | | |
|--------------------|---------------------|------------|-----------------|------------------|---------------------|-----|-------|
| Sr. No. | Name of the Village | Survey No. | Gat No. | Sub-Division No. | Area | | |
| | | | | | Hectare | Are | Sq.mt |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 1 | KUMBHARVALAN | | 115 | | 00 | 06 | 96 |
| | | | | Total | 00 | 06 | 96 |
| 2 | KHALAD | | 870 | | 00 | 02 | 41 |
| | | | 867 | | 00 | 00 | 88 |
| | | | 733 | | 00 | 00 | 77 |
| | | | | Total | 00 | 04 | 06 |
| 3 | SHIVARI | | 1045 | | 00 | 10 | 65 |
| | | | 858 | | 00 | 03 | 44 |
| | | | | Total | 00 | 14 | 09 |
| 4 | SHINDEWADI | | 181 | | 00 | 12 | 97 |
| | | | 63 | | 00 | 02 | 95 |
| | | | 64 | | 00 | 01 | 92 |
| | | | 65 | | 00 | 04 | 05 |
| | | | 66 | | 00 | 04 | 21 |
| | | | | Total | 00 | 26 | 10 |
| 5 | PARINCHE | | 2382 | | 00 | 00 | 60 |
| | | | 2379 | | 00 | 04 | 01 |
| | | | | Total | 00 | 04 | 61 |
| 6 | HARNI | | 852 | | 00 | 10 | 71 |
| | | | 821 | | 00 | 04 | 42 |
| | | | 801 | | 00 | 00 | 30 |
| | | | 713 | | 00 | 02 | 07 |
| | | | 38 | | 00 | 03 | 48 |
| | | | 17 | | 00 | 01 | 05 |
| | | | 11 | | 00 | 12 | 51 |
| | | | | Total | 00 | 34 | 54 |
| 7 | VIR | | 1783 | | 00 | 09 | 45 |
| | | | 1788 | | 00 | 04 | 47 |
| | | | 1794 | | 00 | 04 | 10 |
| | | | 1795 | | 00 | 05 | 04 |
| | | | 1808 | | 00 | 00 | 75 |
| | | | 1844 | | 00 | 19 | 38 |
| | | | 2027 | | 00 | 05 | 64 |
| | | | | Total | 00 | 48 | 83 |
| 8 | MANDKI | | 730 | | 00 | 03 | 53 |
| | | | 931 | | 00 | 00 | 27 |
| | | | 932 | | 00 | 04 | 17 |
| | | | 933 | | 00 | 01 | 72 |
| | | | | Total | 00 | 09 | 69 |

| Taluka : PURANDHAR | | | District : PUNE | | State : MAHARASHTRA | | |
|--------------------|---------------------|------------|-----------------|------------------|---------------------|-----|-------|
| Sr. No. | Name of the Village | Survey No. | Gat No. | Sub-Division No. | Area | | |
| | | | | | Hectare | Are | Sq.mt |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 9 | JEUR | | 1015 | | 00 | 01 | 54 |
| | | | 1017 | | 00 | 07 | 21 |
| | | | 1016 | | 00 | 02 | 16 |
| | | | 969 | | 00 | 03 | 89 |
| | | | 1128 | | 00 | 03 | 00 |
| | | | 1117 | | 00 | 18 | 26 |
| | | | 999 | | 00 | 00 | 68 |
| | | | 991 | | 00 | 01 | 77 |
| | | | 982 | | 00 | 00 | 98 |
| | | | 785 | | 00 | 11 | 95 |
| | | | 786 | | 00 | 01 | 77 |
| | | | 814 | | 00 | 02 | 72 |
| | | | | Total | 00 | 55 | 93 |

[F. No. R-31015/25/2004-O.R.-II]

A. GOSWAMI, Under Secy.

नई दिल्ली, 8 फरवरी, 2007

का. आ. 394.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 3866 तारीख 27 सितम्बर, 2006, जो भारत के राजपत्र तारीख 30 सितम्बर, 2006, में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में गुजरात राज्य में मुन्दा से दिल्ली तक पेट्रोलियम उत्पादों के परिवहन के लिए मुन्दा-दिल्ली पेट्रोलियम उत्पाद पाइपलाइन के माध्यम से हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 23 नवम्बर, 2006, को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाए ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, इस मंत्रालय के सहमति पत्र सं. आर - 31015/7/03 ओ.आर.-II दिनांक 25/11/2004 द्वारा लगाई गई शर्तों के अधीन सभी विल्लंगनों से मुक्त, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

| तालुका : पालनपुर | | जिला : बनासकांठ | | राज्य : गुजरात | | |
|------------------|-------------------|-----------------|-------------|----------------|-----|-----------|
| क्रम सं. | गाँव का नाम | खसरा सं. | उप खण्ड सं. | क्षेत्रफल | | |
| | | | | हेक्टेयर | एयर | वर्ग मीटर |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 1. | सामढि (नादणीवास) | 12 | 1 | 0 | 03 | 39 |
| | | 12 | 2 | 0 | 08 | 49 |
| | | 12 | 3 | 0 | 02 | 38 |
| 2. | कुंभलमेर | 391 | अ | 0 | 00 | 40 |
| 3. | चंडीसर | 421 | 2पी1 | 0 | 15 | 48 |
| | | 421 | 2पी2 | 0 | 09 | 14 |
| | | 417 | पी3 | 0 | 11 | 45 |
| | | 401 | पी9 | 0 | 12 | 02 |
| | | 514 | 1पी3 | 0 | 08 | 34 |
| 4. | कुश्कल | 187 | 1पी2 | 0 | 13 | 54 |
| | | 1 | पी6 | 0 | 21 | 02 |
| 5. | बादरपुरा (भूतेडी) | 18 | पी1 | 0 | 15 | 50 |
| | | 18 | पी2 | 0 | 32 | 60 |
| 6. | वाधना | 125 | पी18 | 0 | 37 | 44 |
| 7. | अंतरोलि | 40 | पी2 | 0 | 10 | 83 |
| | | 110 | 3पी2 | 0 | 06 | 41 |

[फा. सं. आर-31015/40/2004-ओ.आर.-11]

ए. गोस्वामी, अवर सचिव

New Delhi, the 8th February, 2007

S. O. 394.— Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 3866 dated the 27th September, 2006, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), published in the Gazette of India dated the 30th September, 2006, the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline through Mundra Delhi Petroleum Product Pipeline for transportation of petroleum products from Mundra in the State of Gujarat to Delhi by Hindustan Petroleum Corporation Limited;

And whereas copies of the said Gazette notification were made available to the public on the 23rd November, 2006;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of declaration, in Hindustan Petroleum Corporation Limited, free from all encumbrances, subject to the conditions imposed vide this Ministry's consent letter no. R-31015/7/03 OR- II dated 25-11-2004.

SCHEDULE

| Taluk : PALANPUR | | District : BANASKANTHA | | State : GUJARAT | | |
|------------------|-----------------|------------------------|------------------|-----------------|-----|---------|
| Sr. No | Name of Village | Survey no. | Sub-Division No. | Area | | |
| | | | | Hectare | Are | Sq.mtr. |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 1. | SAMDHI | 12 | 1 | 0 | 03 | 39 |
| | (NADHANIVAS) | 12 | 2 | 0 | 08 | 49 |
| | | 12 | 3 | 0 | 02 | 38 |
| 2. | KUMBHALMER | 391 | A | 0 | 00 | 40 |
| 3. | CHANDISAR | 421 | 2P1 | 0 | 15 | 48 |
| | | 421 | 2P2 | 0 | 09 | 14 |
| | | 417 | P3 | 0 | 11 | 45 |
| | | 401 | P9 | 0 | 12 | 02 |
| | | 514 | 1P3 | 0 | 08 | 34 |
| 4. | KUSHAKAL | 187 | 1P2 | 0 | 13 | 54 |
| | | 1 | P6 | 0 | 21 | 02 |
| 5. | BADARPUR | 18 | P1 | 0 | 15 | 50 |
| | (BHUTEDI) | 18 | P2 | 0 | 32 | 60 |
| 6. | VADHANA | 125 | P18 | 0 | 37 | 44 |
| 7. | ANTROLI | 40 | P2 | 0 | 10 | 83 |
| | | 110 | 3P2 | 0 | 06 | 41 |

[F. No. R-31015/40/2004-O.R.-II]

A. GOSWAMI, Under Secy.

नई दिल्ली, 8 फरवरी, 2007

का. आ. 395.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 3998 तारीख 06 अक्टूबर, 2006, जो भारत के राजपत्र तारीख 14 अक्टूबर, 2006, में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में गुजरात राज्य में मुन्द्रा से दिल्ली तक पेट्रोलियम उत्पादों के परिवहन के लिए मुन्द्रा-दिल्ली पेट्रोलियम उत्पाद पाइपलाइन के माध्यम से हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने अर्थ की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 29 नवम्बर, 2006, को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात्, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाए ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, इस मंत्रालय के सहमति पत्र सं. आर - 31015/7/03 ओ.आर-II दिनांक 25/11/2004 द्वारा लगाई गई शर्तों के अधीन सभी विल्लंगमों से मुक्त, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

| तालुका : अमीरगड | | जिला : बनासकांठ | | राज्य : गुजरात | | |
|-----------------|-------------|-----------------|-------------|----------------|-----|-----------|
| क्रम सं. | गाँव का नाम | खसरा सं. | उप खण्ड सं. | क्षेत्रफल | | |
| 1 | 2 | 3 | 4 | हेक्टेयर | एयर | वर्ग मीटर |
| 1. | जेथी | 95 | अ10 पी 6 | 0 | 05 | 58 |
| | | 118+122 | | 0 | 03 | 50 |
| 2. | उमरकोट | 83 | पी1 | 0 | 02 | 10 |
| 3. | इकबालगड | 45 | पी1 | 0 | 01 | 00 |
| | | 36 | पी1 | 0 | 00 | 50 |
| | | 36 | 2पी3 | 0 | 02 | 88 |
| | | 36 | 2पी1 | 0 | 03 | 26 |
| 4. | दभेला | 42 | पी2 | 0 | 07 | 27 |
| 5. | गधाडा | 103 | पी3 | 0 | 04 | 52 |
| | | 103 | पी6 | 0 | 05 | 97 |
| | | 103 | पी2 | 0 | 05 | 17 |

[फा. सं. आर 31015-41-2004-ओ.आर. II]

ए. गोस्वामी, अवग. सचिव

New Delhi, the 8th February, 2007

S.O. 395.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 3998 dated the 6th October, 2006, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), published in the Gazette of India dated the 14th October, 2006, the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline through Mundra Delhi Petroleum Product Pipeline for transportation of petroleum products from Mundra in the State of Gujarat to Delhi by Hindustan Petroleum Corporation Limited;

And whereas copies of the said Gazette notification were made available to the public on the 29th November, 2006;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of declaration, in Hindustan Petroleum Corporation Limited, free from all encumbrances, subject to the conditions imposed vide this Ministry's consent letter no. R-31015/7/03 OR- II dated 25-11-2004.

SCHEDULE

SCHEDULE

| Taluk : AMIRGADH | | District : BANASKANTHA | | State : GUJARAT | | |
|------------------|-----------------|------------------------|------------------|-----------------|-----|---------|
| Sr. No | Name of Village | Survey no. | Sub-Division No. | Area | | |
| | | | | Hectare | Are | Sq.mtr. |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 1 | JETHI | 95 | A10 P6 | 0 | 05 | 58 |
| | | 118+122 | | 0 | 03 | 50 |
| 2 | UMARKOT | 83 | P1 | 0 | 02 | 10 |
| 3 | IQBALGADH | 45 | P1 | 0 | 01 | 00 |
| | | 36 | P1 | 0 | 00 | 50 |
| | | 36 | 2P3 | 0 | 02 | 88 |
| | | 36 | 2P1 | 0 | 03 | 26 |
| | | 42 | P2 | 0 | 07 | 27 |
| 4 | DABHELA | 103 | P3 | 0 | 04 | 52 |
| 5 | GADHADA | 103 | P6 | 0 | 05 | 97 |
| | | 103 | P2 | 0 | 05 | 17 |

15-N-2-21015/41/2004-Q.R

[F. No. R-31015/41/2004-O.R.-II]
A. GOSWAMI. Under Secy.

नई दिल्ली, 8 फरवरी, 2007

का. आ. 396.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 2918 तारीख 27 जुलाई, 2006, जो भारत के राजपत्र तारीख 29 जुलाई, 2006, में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मध्यप्रदेश राज्य में मांगल्या (इंदौर) संस्थापन से हरियाणा राज्य में पियाला तथा दिल्ली राष्ट्रीय राजधानी क्षेत्र में बिजवासन तक पेट्रोलियम उत्पादों के परिवहन के लिए मुंबई-मांगल्या पाइपलाइन विस्तार परियोजना के माध्यम से भारत पेट्रोलियम कारपोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 19 सितम्बर, 2006 को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिये अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगमों से मुक्त, भारत पेट्रोलियम कॉरपोरेशन लिमिटेड में निहित होगा !

अनुसूची

तहसील : बयाना

जिला : भरतपुर

राज्य : राजस्थान

| क्र० | ग्राम का नाम | सर्वे नंबर | क्षेत्रफल हैक्टेयर में |
|------|--------------|------------|------------------------|
| 1 | 2 | 3 | 4 |
| 1 | शोरगढ़ | 1555 | 0.1230 |
| | | 1556 | 0.0830 |
| | | 938 | 0.0144 |
| | | 1036 | 0.0144 |
| 2 | सिकन्दरा | 817 | 0.1100 |
| 3 | नहरोली | 1185 | 0.0648 |
| 4 | नगला खटका | 347 | 0.1175 |
| 5 | कारवारी | 258 | 0.0465 |

[फा. सं. आर-31015/79/2004-ओ.आर.-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 8th February, 2007

S.O. 396.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O.2918, dated the 27th JULY 2006, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act) published in the Gazette of India dated the 29th JULY, 2006, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying an extension pipeline for transportation of petroleum products through Mumbai-Manglya Pipeline Extension Project from Manglya (Indore) terminal in the State of Madhya Pradesh to Piyala in the State of Haryana and Bijwasan in the NCT of Delhi by Bharat Petroleum Corporation Limited ;

And whereas the copies of the said Gazette notification were made available to the public on the 19th September, 2006.

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land, specified in the Schedule, appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Bharat Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

| TEHSIL : BAYANA | | DISTRICT : BHARATPUR | | STATE : RAJASTHAN | |
|-----------------|-----------------|----------------------|--|-------------------|--|
| S.No. | NAME OF VILLAGE | SURVEY NO. | | AREA IN HECTARE | |
| 1 | 2 | 3 | | 4 | |
| 1 | SHERGARH | 1555 | | 0.1230 | |
| | | 1556 | | 0.0830 | |
| | | 938 | | 0.0144 | |
| | | 1036 | | 0.0144 | |
| 2 | SIKANDRA | 817 | | 0.1100 | |
| 3 | NAHROLI | 1185 | | 0.0648 | |
| 4 | NAGLA KHATKA | 347 | | 0.1175 | |
| 5 | KARVARI | 258 | | 0.0465 | |

[F. No. R-31015/79/2004-O.R.-II]

A. GOSWAMI, Under Secy.

नई दिल्ली, 8 फरवरी, 2007

का. आ. 397.— केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मध्य प्रदेश में मांगल्या (इन्दौर) संस्थापन से हरयाणा राज्य में पियाला तथा दिल्ली राष्ट्रीय राजधानी क्षेत्र में बिजवासन तक पेट्रोलियम उत्पादों के परिवहन के लिए भारत पेट्रोलियम कार्पोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में, जो इससे उपाबद्ध अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50), की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिये उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में श्री अरविन्द खरे, सक्षम प्राधिकारी, मुम्बई-मांगल्या पाइपलाइन विस्तार परियोजना, भारत पेट्रोलियम कार्पोरेशन लिमिटेड, 8/5, वैशाली, नानाखेड़ा बस स्टैंड के पास, उज्जैन -456010, (मध्यप्रदेश) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

| तहसील : तराना | | जिला : उज्जैन | राज्य : मध्यप्रदेश |
|---------------|--------------|-------------------|------------------------|
| क्र. | ग्राम का नाम | सर्वे नंबर | क्षेत्रफल हैक्टेयर में |
| 1 | 2 | 3 | 4 |
| 1 | बिंजल | 50/332 (शास.भूमि) | 0.0540 |
| 2 | भड़सिम्बा | 379 (शास.रास्ता) | 0.0324 |
| | | 400 | 0.0720 |
| 3 | नौगांवा | 51 | 0.2016 |
| 4 | बिसनखेड़ा | 260 | 0.0216 |
| | | 281 | 0.1440 |
| | | 280 | 0.1440 |
| 5 | नांदेड | 1078 | 0.0720 |
| | | 985 | 0.0720 |
| 6 | कढ़ाई | 792 | 0.0540 |
| 7 | चिकली | 104 | 0.0720 |
| | | 571 | 0.0630 |
| 8 | खोकरिया | 259 | 0.0540 |

[फा. सं. आर-31015/67/2004-ओ.आर.-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 8th February, 2007

397.— Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Manglya (Indore) terminal in the State of Madhya Pradesh, an extension pipeline to Piyala in the State of Haryana and Bijwasan in the NCT of Delhi should be laid by Bharat Petroleum Corporation Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may within twenty one days from the date on which copies of the Gazette of India containing this notification are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri Arvind Khare, Competent Authority, Mumbai-Manglya Pipeline Extension Project, Bharat Petroleum Corporation Limited, 8/5, Vaishali, Near of Nanakheda Bus Stand, Ujjain - 456010 (Madhya Pradesh).

SCHEDULE

| TEHSIL : TARANA | | DISTRICT : UJJAIN | | STATE : MADHYA PRADESH | |
|-----------------|-----------------|-------------------|--|------------------------|--|
| S.No. | NAME OF VILLAGE | SURVEY NO. | | AREA IN HECTARE | |
| 1 | 2 | 3 | | 4 | |
| 1 | BINJAL | 50/332(Govt.Land) | | 0.0540 | |
| 2 | BHADSIMBA | 379(Govt.Rasta) | | 0.0324 | |
| | | 400 | | 0.0720 | |
| 3 | NAUGAVA | 51 | | 0.2016 | |
| 4 | BISANKHERA | 260 | | 0.0216 | |
| | | 281 | | 0.1440 | |
| | | 280 | | 0.1440 | |
| 5 | NANDED | 1078 | | 0.0720 | |
| | | 985 | | 0.0720 | |
| 6 | KADHAI | 792 | | 0.0540 | |
| 7 | CHIKALI | 104 | | 0.0720 | |
| | | 571 | | 0.0630 | |
| 8 | KHOKARIYA | 259 | | 0.0540 | |

[F. No. R-31015/67/2004-O.R.-II]
A. GOSWAMI, Under Secy.

श्रम और रोज़गार मंत्रालय

नई दिल्ली, 15 जनवरी, 2007

का.आ. 398.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 47/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-1-2007 को प्राप्त हुआ था।

[सं. एल-22012/197/1998-आई आर (सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 15th January, 2007

S.O. 398.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 47/2004) of the Central Government Industrial Tribunal-cum-Labour Court No.1, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of FCI and their workman, which was received by the Central Government on 15-1-2007.

[No. L-22012/197/1998-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH**

Case No. I. D. 47/2004

Sh. Dharam Singh S/o Sh. Mansa Ram
C/o FCI Karamchari Sangthan BMS
Aggarsain Chowk, Mohan Nagar,
Kurukshetra (Hry.)

.....Applicant

Versus

The Distt. Manager,
Food Corporation of India,
Kurukshetra (Hry.)

.....Respondent

APPEARANCES

For the workman : Sh Arun Batra and Dharamvir
For the management : Sh. N. K. Zakhmi

AWARD

Passed on 14-12-2006

Central Govt. vide notification No. L-22012/197/98/IR(C-II) dated 4-06-2003 has referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of Food Corporation of India Kurukshetra in terminating the services of Sh. Krishan Chand and others (list enclosed) is legal and justified? If not, to what relief they are entitled to?"

2. The case taken up in Lok Adalat at the request of the parties. The authorized representative of workman Sh. Dharamvir withdraw the present reference vide his statement recorded on 17-11-2006. In view of the same, the present reference is returned as withdrawn in Lok Adalat. Central Govt. be informed. File be consigned to record.

Chandigarh,

14-12-2006

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 15 जनवरी, 2007

का.आ. 399.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 79/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-1-2007 को प्राप्त हुआ था।

[सं. एल-22012/282/1999-आई आर (सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 15th January, 2007

S.O. 399.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 79/2004) of the Central Government Industrial Tribunal-cum-Labour Court No.1, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of FCI and their workman, which was received by the Central Government on 15-1-2007.

[No. L-22012/282/1999-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-1, CHANDIGARH**

Case No. I. D. 79/2004

Sh. Mahabir Singh S/o Sh. Des Raj
C/o FCI Karamchari Sangthan BMS
Aggarsain Chowk, Mohan Nagar,
Kurukshetra (Hry.)

Versus

The Distt. Manager,
Food Corporation of India,
Kurukshetra (Hry.)

.....Respondent

APPEARANCES

For the workman : Sh Arun Batra and Dharamvir

For the management : Sh. N. K. Zakhmi

AWARD

Passed on 14-12-2006

Central Govt. vide notification No. L-22012/282/99/
IR(C-II) dated 4-6-2003 has referred the following dispute
to this Tribunal for adjudication:

“Whether the action of the management of Food Corporation of India Kurukshetra in terminating the services of Sh. Krishan Chand and others (list enclosed) is legal and justified? If not, to what relief they are entitled to?”

2. The case taken up in Lok Adalat at the request of the parties. The authorized representative of workman Sh. Dharamvir withdraw the present reference vide his statement recorded on 17-11-2006. In view of the same, the present reference is returned as withdrawn in Lok Adalat. Central Govt. be informed. File be consigned to record.

Chandigarh,

14-12-2006

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 15 जनवरी, 2007

का.आ. 400.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 77/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-1-2007 को प्राप्त हुआ था।

[सं. एल-22012/274/1999-आई आर (सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 15th January, 2007

S.O. 400.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 77/2004) of the Central Government Industrial Tribunal-cum-Labour Court No.1, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of FCI and their workman, which was received by the Central Government on 15-1-2007.

[No. L-22012/274/1999-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH**

Case No. I. D. 77/2004

Sh. Balwan Singh S/o Sh. Des Raj
C/o FCI Karamchhari Sangthan BMS
Aggarsain Chowk, Mohan Nagar,
Kurukshetra (Hry.)

.....Applicant

Versus

The Distt. Manager,
Food Corporation of India,
Kurukshetra (Hry.)

.....Respondent

APPEARANCES

For the workman : Sh Arun Batra and Dharamvir

For the management : Sh. N. K. Zakhmi

AWARD

Passed on 14-12-2006

Central Govt. vide notification No. L-22012/274/99/
IR(C-II) dated 4-6-2003 has referred the following dispute
to this Tribunal for adjudication:

“Whether the action of the management of Food Corporation of India Kurukshetra in terminating the services of Sh. Krishan Chand and others (list enclosed) is legal and justified? If not, to what relief they are entitled to?”

2. The case taken up in Lok Adalat at the request of the parties. The authorized representative of workman Sh. Dharamvir withdraw the present reference vide his statement recorded on 17-11-2006. In view of the same, the present reference is returned as withdrawn in Lok Adalat. Central Govt. be informed. File be consigned to record.

Chandigarh,

14-12-2006

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 15 जनवरी, 2007

का.आ. 401.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 61/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-1-2007 को प्राप्त हुआ था।

[सं. एल-22012/152/1999-आई आर (सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 15th January, 2007

S.O. 401.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.61/2004) of the Central Government Industrial Tribunal-cum-Labour Court No.1, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of FCI and their workman, which was received by the Central Government on 15-1-2007.

[No. L-22012/152/1999-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SHRI RAJESH KUMAR, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1, CHANDIGARH.

Case No 1.D 61/2004

Sh. Shyam Lal S/o Sh. Gian Chand
C/o FCI Karamchari Sangthan BMS
Aggarsain Chowk, Mohan Nagar,
Kurukshetra (Hry.)

.....Applicant

Versus

The Distt. Manager,
Food Corporation of India,
Kurukshetra. (Hry.)

.....Respondent

APPEARANCES

For the workman : Sh Arun Batra and Dharamvir

For the management : Sh. N. K. Zakhmi

AWARD

Passed on 14-12-2006

Central Govt. vide notification No.L-22012/152/99-IR(C-II) 4-6-2003 has referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management of Food Corporation of India, Kurukshetra in terminating the services of Sh. Krishan Chand and others (list enclosed) is legal and justified? If not, to what relief they are entitled to?”

2. The case taken up in Lok Adalat at the request of the parties. The authorized representative of workman Sh. Dharamvir withdraw the present reference vide his statement recorded on 17-11-2006. In view of the same, the present reference is returned as withdrawn in Lok Adalat. Central Govt. be informed. File be consigned to record.

Chandigarh, 14-12-2006

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 15 जनवरी, 2007

का.आ. 402.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, चण्डीगढ़ के वंचाट (संदर्भ संख्या 35/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-1-2007 को प्राप्त हुआ था।

[सं. एल-22012/343/1998-आई आर (सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 15th January, 2007

S.O.402.— In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.35/2004) of the Central Government Industrial Tribunal-cum-Labour Court No.1, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of FCI and their workman, which was received by the Central Government on 15-1-2007.

[No. L-22012/343/1998-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SHRI RAJESH KUMAR, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT 1, CHANDIGARH.

Case No 1.D 35/2004

Sh. Sohni S/o Sh. Sadhu Ram
C/o FCI Karamchari Sangthan BMS
Aggarsain Chowk, Mohan Nagar,
Kurukshetra (Hry.)

.....Applicant

Versus

The Distt. Manager,
Food Corporation of India,
Kurukshetra. (Hry.)

.....Respondent

APPEARANCES

For the workman : Sh Arun Batra and Dharamvir

For the management : Sh. N. K. Zakhmi

AWARD

Passed on 14-12-2006

Central Govt. vide notification No.L-22012/343/99-IR(C-II) 4-6-2003 has referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of Food Corporation of India Kurukshetra in terminating the services of Sh. Krishan Chand and others (list enclosed) is legal and justified? If not, to what relief they are entitled to?"

2. The case taken up in Lok Adalat at the request of the parties. The authorized representative of workman Sh. Dharamvir withdraw the present reference *vide* his statement recorded on 17-11-2006. In view of the same, the present reference is returned as withdrawn in Lok Adalat. Central Govt. be informed. File be consigned to record.

Chandigarh, 14-12-2006

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 15 जनवरी, 2007

का.आ. 403.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 57/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-1-2007 को प्राप्त हुआ था।

[सं. एल-22012/339/1998-आई आर (सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 15th January, 2007

S.O. 403.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.57/2004) of the Central Government Industrial Tribunal-cum-Labour Court No.1, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of FCI and their workman, which was received by the Central Government on 15-1-2007.

[No. L-22012/339/1998-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM- LABOUR COURT-1,
CHANDIGARH.**

Case No. I.D 57/2004

Sh. Krishan S/o Sh. Ram Saran
C/o FCI Karamchari Sangthan BMS
Aggarsain Chowk, Mohar Nagar,
Kurukshetra (Hry.)

.....Applicant

Versus

The Distt. Manager,
Food Corporation of India,
Kurukshetra.(Hry.)

.....Respondent

APPEARANCES

For the workman : Sh Arun Batra and Dharamvir

For the management : Sh. N. K. Zakhmi

AWARD

Passed on 14-12-2006

Central Govt. vide notification No.L-22012/339/99/IR(C-II) 4-6-2003 has referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of Food Corporation of India, Kurukshetra in terminating the services of Sh. Krishan Chand and others (list enclosed) is legal and justified? If not, to what relief they are entitled to?"

2. The case taken up in Lok Adalat at the request of the parties. The authorized representative of workman Sh. Dharamvir withdraw the present reference *vide* his statement recorded on 17-11-2006. In view of the same, the present reference is returned as withdrawn in Lok Adalat. Central Govt. be informed. File be consigned to record.

Chandigarh, 14-12-2006

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 15 जनवरी, 2007

का.आ. 404.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 183/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-1-2007 को प्राप्त हुआ था।

[सं. एल-22012/158/2001-आई आर (सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 15th January, 2007

S.O.404.— In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.183/2002) of the Central Government Industrial Tribunal cum Labour Court No.1, Chandigarh as shown in the Annexure in the Industrial Dispute between the management of FCI and their workman, which was received by the Central Government on 15-1-2007.

[No. L-22012/158/2001-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE**BEFORE SHRI RAJESH KUMAR, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1, CHANDIGARH.****Case No 1.D 183/2002**

Sh. Ashok Kumar S/o Sh. Jagga,
C/o President BMS
Aggarsain Chowk, Mohan Nagar,
Kurukshetra (Haryana)

.....Applicant

Versus

The Distt. Manager,
Food Corporation of India,
Kurukshetra (Haryana)

.....Respondent

APPEARANCES

For the workman : Sh Arun Batra. and Dharamvir
For the management : Sh. N. K. Zakhmi

AWARD

Passed on 14-12-2006

Central Govt. vide notification No. L-22012/158/2001/IR(CM-II) 21-8-2002 has referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management of Food Corporation of India represented by District Manager, FCI Kurukshetra in terminating the services of Sh. Ashok Kumar, workman engaged through contractor M/s. Ex-Servicemen Security Services w.e.f. 24-12-98 is legal and justified? If not, to what relief the Workman is entitled to ?”

2. The case taken up in Lok Adalat at the request of the parties. The authorized representative of workman Sh. Dharamvir withdraw the present reference vide his statement recorded on 17-11-2006. In view of the same, the present reference is returned as withdrawn in Lok Adalat. Central Govt. be informed. File be consigned to record.

Chandigarh, 14-12-2006

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 15 जनवरी, 2007

का.आ. 405.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, असनसोल के पंचाट (संदर्भ संख्या 50/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-1-2007 को प्राप्त हुआ था।

[सं. एल-22012/125/2002-आई आर (सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 15th January, 2007

S.O.405.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 50/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure in the Industrial Dispute between the management of Madhujore Colliery, M/s. Eastern Coalfields Limited and their workman, received by the Central Government on 15-1-2007.

[No. L-22012/125/2002-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL****PRESENT**

Sri Md. Sarfaraz Khan, Presiding Officer

Reference No. 50 of 2002

PARTIES

Agent, Madhujore Colliery of M/s. E.C.Ltd.,
Dakshinkhanda Burdwan

Vrs.

General Secretary, Koyala Mazdoor Congress Asansol,
Burdwan

REPRESENTATIVES

For the Management : None

For the Union : Sri R. Kumar, General Secretary,
(Workman) Koyala Mazdoor Congress,
Asansol

Industry : Coal State : West Bengal

AWARD

Dated the 14-11-2006

In exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Govt. of India through the Ministry of Labour vide its letter No. L-22012/125/2002-IR (CM-II) dated 12-12-2002 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of Madhujore Colliery under Kajora area of M/s. Eastern Coalfields Limited in not providing the employment to the son of Late Dhoba Swai No. 1 Ex-W/Loader is legal and justified? If not, to what relief the workman is entitled to ?”

After having received the Order No. L-22012/125/2002-IR (CM-II) dated 12-12-2002 of the aforesaid reference

from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference Case No. 50 of 2002 was registered on 30-12-2002 and accordingly an order to that effect was passed to issue notices to the parties concerned through the registered post directing them to appear in the court on the scheduled date and to file their written statement along with the relevant documents and a list of witnesses in support of their claims. Accordingly notices were issued to the respective parties by the registered post.

From perusal of the record it transpires that Sri Rakesh Kumar General Secretary of the union appeared and filed its written statement in support of its case. On the other hand, in spite of the proper and legal service of the registered notice no body turned up to represent the management.

It is further clear from the record that the union failed to take any step on its behalf w.e.f. 31-1-05 to 21-11-05 and subsequently from 7-3-06 to 14-11-06. It is clear from the record that the regular absence of the union in spite of repeated adjournments and direction itself indicate that the union is not interested to pursue the case, As such it is not proper and advisable to keep the record pending in anticipation of the appearance of the union for taking suitable step on its behalf. As such it is hereby.

ORDERED

That let a "No Dispute Award" be and the same is passed. Send the copies of the award to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

Md. SARFARAZ KHAN, Presiding Officer

नई दिल्ली, 15 जनवरी, 2007

का.आ. 406.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, असनसोल के पंचाट (संदर्भ संख्या 21/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-1-2007 को प्राप्त हुआ था।

[सं. एल-22012/240/1998-आई आर (सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 15th January, 2007

S.O.406.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 21/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Eastern Coalfields Limited and their

workman, which was received by the Central Government on 15-1-2007.

[No. L-22012/240/1998-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT

Sri Md. Sarfaraz Khan, Presiding Officer

Reference No. 21 of 2003

PARTIES

Agent, Narsamunda Colliery of ECCL, Methani, Burdwan

Vrs.

The Jt. Secretary, Colliery Mazdoor Congress Asansol

REPRESENTATIVES

For the Management : Sri P. K. Das, Advocate.

For the Union : Sri R. K. Tripathi, Chief Org.
(Workman) Secretary.

Industry : Coal State : West Bengal

AWARD

Dated on 21-11-2006

In exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Govt. of India through the Ministry of Labour *vide* its letter No. L-22012/240/1998-IR (C-II) dated 19-6-2003 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the Management of Narsumanda Project of M/s. ECL in dismissing Sh. Ajulal Das, Tyndal from the services is legal and justified? If not, to what relief is the workman entitled?"

After having received the Order No. L22012/240/1998-IR(C-II) dated 19-06-2003 of the aforesaid reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference Case No. 21 of 2003 was registered on 21-07-2003 and accordingly an order to that effect was passed to issue notices to the respective parties through the registered post directing them to appear in the court on the date so fixed and to file their written statement along with the relevant documents and a list of witnesses in support of their claims. Accordingly notices

by the registered post were issued to the parties concerned. Pursuant to the notices issued Sri P.K.Das, Advocate appeared in the court along with a letter of authority for the management. Likewise Sri R.K.Tripathi, Chief Organising Secretary of the union appeared for the union. Both the parties have filed their written statement in support of their claims.

From perusal of the record it transpires that 9-11-2005 was the date fixed for filing documents by the management. The management had appeared on the date fixed and prayed for time for the same. It further transpires from the record that the union left taking any step on its behalf w.e.f. 09-11-2005 to 21-11-2006. Several adjournments were given to the union in between 09-11-2005 to 21-11-2006 to appear in the court in order to take suitable step on its behalf but to no effect. The regular absence of the union in spite of repeated adjournments and direction itself indicates that the union has lost its interest and does not want to pursue their claim any further. In the prevailing facts and the circumstances of the case it is not proper and advisable to keep the record pending any more as no useful purpose is to be served. As such it is hereby

ORDERED

That let a "No Dispute Award" be and the same is passed. Send the copies of the award to the Govt. of India, Ministry of Labour, New Delhi for for information and needful. The reference is accordingly disposed of.

Md. SARFARAZ KHAN, Presiding Officer

नई दिल्ली, 15 जनवरी, 2007

का.आ. 407.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. बी. एम. बी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 40/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-1-2007 को प्राप्त हुआ था।

[सं. एल-23012/5/2004-आई आर (सी एम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 15th January, 2007

S.O. 407.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref.40/2005 of the Cent. Govt.Indus.Tribunal-cum-Labour Court No 1, Chandigarh as shown in the Annexure, in the industrial dispute between the management of Bhakra Beas Management Board,BSL Project, and their workmen, received by the Central Government on 15/01/2007.

[No. L-23012/5/2004-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SHRI RAJESH KUMAR, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1, CHANDIGARH

Case No 1.D. 40/2005

Sh.Mishru S/o Sh. Gurmuk,
C/o Shri Hem Prabh son of Bali Ram,
Resident of Village Bhayatra,
P. O. Chanahan, Teh.& Distt. Mandi (HP) Applicant

Versus

1. The Chairman,
Bhakra Beas Management Board,
Madhya Marg, Sector 19-B,
Chandigarh.
2. The Chief Engineer,
BSL Project,
Sundernagar Township,
District Mandi Himachal Pradesh. Respondents

APPEARANCES

For the workman: None.

For the management: None.

AWARD

Passed on 22-12-2006

Central Govt. vide notification No.L-23012/5/2004/IR(CM-II) 23-9-2005 has referred the following dispute to this Tribunal for adjudication:

"Whether the demand of Shri Mishru, Ex-Beldar for reinstatement in the services of BBMB is legal and justified? If so, to what relief the concerned workman is entitled and from which date?"

2. Workman and the management is absent despite service on them. For workman on 11-9-06 Shri Ashwani Kumar Advocate appeared for the workman and file his memo of appearance for workman Mishru Ram. It appears that workman is also duly served before 11-9-06 and on his instructions Shri Ashwani Kumar appeared for him and lateron none appeared. On the other hand despite service none appeared for the management.

3. It appeared that workman Mishru Ram or his advocate despite court's notice issued 9 times is not interested in pursuing this reference. No efforts has been made perhaps workman gainfully employed and no useful purpose will be served in keeping this case pending. In view of the above, the present reference is returned for want of prosecution. Central Govt. be informed. File be consigned to record.

Chandigarh 22-12-2006

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 15 जनवरी, 2007

का.आ. 408.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर (यूपी) के पंचाट (संदर्भ संख्या 36/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-1-2007 को प्राप्त हुआ था।

[सं. एल-12011/172/2000-आई आर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 15th January, 2007

S.O. 408.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 36/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur (U.P.) as shown in the Annexure, in the Industrial Dispute between the management of Punjab National Bank and their workmen, received by the Central Government on 15-1-2007.

[No. L-12011/172/2000-IR (B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE SRI SURESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, KANPUR

I.D. No. 36 OF 2003

In the matter of dispute between:

The Secretary Indian National Bank Employees Federation Kanpur Unit, 45-A, Chandra Nagar, Lal Bangla Kanpur-208007, U.P.

AND

The Regional Manager, Punjab National Bank, Regional Office, 59/29, Birhana Road, Kanpur-208001, U.P.

AWARD

1. Central Government, Ministry of Labour, New Delhi vide Notification No. L-12011/172/2000-I.R. (B-II) dated 18-10-2000 has referred the following dispute for adjudication as under :—

“Whether the claim of Mr. Pradeep Kumar Saraswat, Clerk that his leave account has not been properly maintained by the management of Punjab National Bank is correct? If so, to what relief is workman entitled to?”

2. The case, in short, of the workman as set up in his Statement of Claim is that the opposite party Bank has not

maintained his leave account properly and has deducted 65 days of his privilege leave from his leave account on imaginary grounds and on false calculation of his leave account. The workman has further pleaded that authorities of the Bank be directed to correct the leave account in respect of the concerned workman.

3. Needless to mention that earlier the present reference was referred to Central Government Industrial Tribunal-cum-Labour Court, Lucknow, but the same was transferred to this Tribunal under the orders of the Ministry of Labour, New Delhi and was pending before the Tribunal.

4. It is not in dispute that the workman was granted V.R.S. by the Bank w.e.f. 17-3-2001 which was challenged by him separately by raising an Industrial Dispute. The said reference was referred to this Tribunal and was numbered as I.D. No. 76 of 2002 which was ultimately answered in favour of the workman by the Tribunal on dated 7-12-2005 on the grounds that granting of V.R.S. to Sri Pradeep Kumar Saraswat, present workman was held to be entitled to be in service of the Bank and was also ordered for payment of entire back wages, continuity of service and other consequential benefits of the post.

5. Now from the above point of view when the workman is continue in the services of the opposite party Bank the claim of the workman that 65 days of his privilege leave was due to him cannot be disbelieved as the management has not adduced any evidence in support of their claim in the instance case.

6. Accordingly it is held that management of Punjab National Bank is directed to credit 65 days of privilege leave in leave account of the workman, Mr. Pradeep Kumar Saraswat as the same has been deducted without there being any cogent reasons by the management of Punjab National Bank.

7. For the reasons discussed above reference is answered accordingly in favour of the workman and against the management.

SURESH CHANDRA, Presiding Officer

नई दिल्ली, 16 जनवरी, 2007

का.आ. 409.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 26-29, 36-38, 181-188, 202-205 218, 227, 230-233, 241 और 242/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-1-2007 को प्राप्त हुआ था।

[सं. एल-12025/8/2006-आई आर (बी-I)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 16th January, 2007

S.O. 409.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 26-29, 36-38, 181-188, 202-205, 218, 227, 230-233, 241 & 242/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad now as shown in the Annexure, in the Industrial Dispute between employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on 15-1-2007.

[No. L-12025/8/2006-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
AT HYDERABAD**

PRESENT**Shri T. Ramachandra Reddy, Presiding Officer**

Dated the 21st day of December, 2006

Industrial Dispute L. C. No. 26/2004 & Batch

**[LCIDs. 27, 28, 29, 36, 37, 38, 181-188, 202-205, 218,
227, 230-233, 241 & 242 of 2004]**

BETWEEN

| Sl. No. | Petitioner's Name | Father's Name | LCID No. |
|---------|---------------------------------|-------------------|----------|
| | S/Sri | | |
| 1. | N. Siva Kumar | N. Saranga Pani | 26/2004 |
| 2. | T.C. Mastan | T. Mastan | 27/2004 |
| 3. | Seelam Vijay Kumar | Yesu Ratnam | 28/2004 |
| 4. | K. Kannaiah | K. Jaggiah | 29/2004 |
| 5. | Barega Babu | Yakobu | 36/2004 |
| 6. | C. Tirupalu | Tirupalu | 37/2004 |
| 7. | M.V. Chalapathy | M. Maraiah | 38/2004 |
| 8. | Uppu Edukondalu | Vekataiah | 181/2004 |
| 9. | Lakkepogu Moses Vijaya Kumar | L. Jacob | 182/2004 |
| 10. | Cheruvella Srinivasulu | Rama Krishnaiah | 183/2004 |
| 11. | S.K. Ajmer Shah | Silar Saheb | 184/2004 |
| 12. | V. Gangadharam | V. Jayaramaiah | 185/2004 |
| 13. | P. Subramanyam | P. Guruswamy | 186/2004 |
| 14. | P. Ashok Kumar | P. Ramanaiah | 187/2004 |
| 15. | Tegala Srinivasulu | Ramanaiah | 188/2004 |
| 16. | M. Udaya Bhaskar | M. Poongavanam | 202/2004 |
| 17. | S. Ramesh | S. Balabhadra Rao | 203/2004 |
| 18. | M. Murugaiah | M. Sree Ramulu | 204/2004 |
| 19. | R. Jayaraju | Pentaiah | 205/2004 |
| 20. | D. Prasad | Lazarus | 218/2004 |
| 21. | T. Subba Rao | Venkatapathi | 227/2004 |
| 22. | T.V. Ramanjaneyulu | Satyanarayan | 230/2004 |
| 23. | Indle Elia | Mark | 231/2004 |
| 24. | Y. Prasad Babu | Y. Sanjeeva Rao | 232/2004 |
| 25. | P. Anand | Peter Paul | 233/2004 |
| 26. | P. Ravi Kumar | P. Ananda Rao | 241/2004 |
| 27. | D. Daniel | Pan.akalu | 242/2004 |

C/o Sri S. Prasada Rao, Advocate,

117, Jamuna Towers, Nalgonda X road,

Hyderabad - 500036.

Petitioners

AND

The Chief General Manager (Personnel),

State Bank of India, LHO,

Bank Street, Hyderabad.

Common Respondent in all the 27 cases

APPEARANCES

For the Petitioner : M/s. S. Prasada Rao, K. Satya
Murthy, C.V. Vyasampayan,
C. Bala Subramanyam, B. Bala
Sundar & K. Jhansi Rani,
Advocates.

For the Respondent : M/s. B.G. Ravindra Reddy &
B.V. Chandra Sekhar, Advocates.

AWARD

1. These LC petitions are taken on file in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in 1997 (3) LLJ Supplement, page 1141 in W.P. No.8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. These petitions were filed directly under Sec. 2A(2) of Industrial Disputes Act, 1947 seeking the relief to hold against the action of the Respondent Management of termination/discharge of the Petitioners from service is illegal and arbitrary, consequently pass an award directing the Respondent to reinstate the Petitioners into service with continuity of service and back wages and other attendant benefits.

3. The averments made by the Petitioners in all the 27 petitions are similar in nature and the main issues involved are one and the same. As such, all the cases are clubbed in LCID 26/2004 for convenient disposal. It is suffice to state the averments made by the Petitioner N. Siva Kumar and the averments in the counter filed by the Respondent. The Petitioner was appointed as a messenger in July, 1991 in the State Bank of India, Puttur branch and worked up to 18-3-97. The Respondent Bank prepared panels and he was called for interview for the year 1992 and his name was included in the panel in 1994. In spite of making several representations through their union representative Sri Y. Tarakanath, there was no response from the Respondent. As such, the Petitioner and others filed Writ Petitions before the Hon'ble High Court of A.P. which were disposed off by a common order. The Respondent preferred an appeal against the Writ Petitions which was allowed. It is further submitted that the Petitioner was not considered whereas his juniors were considered. It is further submitted that the Respondent Bank entered into a settlement dated 17-10-87 and other settlements subsequently dated 9-1-91 and 30-7-96 and the Respondent issued orders directing the Branch Managers not to engage

temporary employees w.e.f. 1-7-97. Subsequently a batch of Writ Petitions were filed including the Petitioner and the Writ Petition was allowed on 1-1-98 directing the Respondent to absorb the Petitioner and others within 6 months before going for fresh recruitment. Aggrieved by this order the Respondent preferred an appeal before the Divisional Bench in Writ Petition No.86/98 and batch which was allowed setting aside the order of the Single Judge. There upon Special Leave Petition filed by the Petitioner and others in the Hon'ble Supreme Court which was dismissed at the admission stage, confirming the Division Bench orders. As such, the Petitioners have approached this tribunal by filing the present petitions. It is further contended that Petitioner is a senior compared to many others selected in the subsequent list and the Petitioner was not considered inspite of existing several vacancies and further no termination letter was issue violating the provisions of Sec.25F of Industrial Disputes Act, 1947 and further contended that the action of the Respondent is contrary to the guidelines laid down by the Hon'ble Supreme Court in *State Bank of India Vs. Sundermany* AIR 1976 Supreme Court. It is further submitted that the empanelled list candidates should continue till they are absorbed.

4. The Respondent filed counter and denied the averments made in the petition and pleaded that the Respondent bank used to engage sub-ordinate staff such as messengers, sweepers, sweeper-cum-water boys etc., depending upon the availability of work on purely temporary basis for smooth functioning of the branches to tide over the constraints which arose out of leave vacancies, exigencies and restrictions imposed by the Government of India and Reserve Bank of India, in intake of staff. The All India Bank of India Staff Federation (hereinafter referred as federation) which represents majority of the staff of the Respondent bank espouses cause of temporary employees who have put in less than 240 days of temporary service in 12 calendar months in the bank and who are not eligible for any kind of protection under Industrial Disputes Act, 1947 requested the Respondent Management to give a chance for being considered for absorption. After holding discussions a settlement was arrived at between the federation and the Management on 17-11-1987 under Sec.2P read with Sec.18(1) of Industrial Disputes Act, 1947. As per the settlement, temporary employees were categorized into three categories. Those who have completed 240 days of temporary service in 12 calendar months or less after 1-7-1975 as 'A' category. Those, who have completed 270 days aggregate temporary service in any continuous block of 36 calendar months after 1-7-1975 as category 'B'. Those, who have completed a minimum of 30 days aggregate temporary service in any calendar year after 1-7-1975 or minimum of 70 days aggregate temporary service in any continuous block of 36 calendar months after 1-7-1975. It was agreed in the settlement that temporary employees as categorized above would be given a chance

for being considered for permanent appointment against vacancies which are likely to arise during the period 1987 to 1991. Subsequently on 16-7-1988 another settlement was arrived at between both the parties wherein it was agreed to substitute the period of consideration of vacancies as 1987 to 1992 in place of 1987 to 1991 as contemplated under the first settlement and this settlement was also under Sec.18(1) of Industrial Disputes Act, 1947. A further settlement that is third settlement was arrived on 27-10-1988 agreeing that all persons who are engaged in casual basis to work in leave, casual vacancies of messengers, furrashes, casual coolies, water boys, sweepers etc., for all the periods mentioned in categories A,B and C will be given a chance for being considered for permanent appointment against the vacancies likely to arise from 1988 to 1992. Accordingly, casual/daily wagers were also to be considered for absorption along with the temporary employees who are drawing scale wages.

5. It is further submitted that Government of India in its letter dated 16-8-1990 issued guidelines to all public sector banks with regard to recruitment and absorption of temporary employees in public sector banks to implement on the lines of Approach Paper provided by the committee constituted in this regard. The Approach Paper specify that the cases of temporary employees who had put in not less than 240 days of temporary service in 12 consecutive months and who are entitled to benefit under Sec 25F of Industrial Disputes Act, 1947 may be decided by entering into a settlement with the respective union. It is mentioned in para 6 (c) of the Approach Paper that only temporary employees who had put in only temporary service of 90 days or more after 1-1-82 would be eligible for considering under the scheme. The Respondent bank by way of further concession to the temporary employees and daily wagers entered into a settlement inspite of those who had put in less than 90 days. As such the settlement entered into arrived at between the parties are more beneficial to temporary employees. The Approach paper also specify that the Respondent bank would provide one time opportunity to all the temporary employees in full and final settlement.

6. It is further submitted that another settlement i.e., 4th settlement was arrived at in between the parties on 9-1-91 and agreed to consider the case of the temporary employees and casual/daily wagers' separately in the vacancies likely to arise upto 1994 and 1995-1996 respectively. Accordingly, it was agreed to substitute the year 1992 with 1994 in the 1st settlement dated 17-11-87 is modified the settlement dated 16-7-88. It means that separate panels were to be prepared for temporary employees and casual/daily wagers for filling up of the vacancies arising between 1988 to 1994 in respect of temporary employees and in respect of casual/daily wagers and they can be considered for the vacancies arising between 1995-96 only. It is further submitted that, the

administrative set up of Hyderabad Local Head Office comprises of 4 Zonal Offices at Hyderabad, Vijayawada, Visakhapatnam and Tirupathi covering all the Districts of Andhra Pradesh in terms of settlement. The Management prepared the panels of qualified candidates of temporary employees denoted as 1989 panel and also the panel of daily wagers denoted as 1992 panel for giving a chance for being considered for absorption. These panels were prepared zone-wise separately for messengers and non-messengers in the descending order of temporary service put in by the candidates during the stipulated period. It is further submitted that federation approached Regional Labour Commissioner (C), Hyderabad for implementation of the settlement who conducted conciliation proceedings and an agreement was arrived at that both the panels of temporary employees and daily wagers/casual labourers would be kept alive upto March, 1997 and vacancies as agreed to under the afore set out settlements would be filled from both the lists concurrently. It is further submitted that in pursuant of the conciliation proceedings another settlement was arrived at which is 5th settlement on 30-7-1996 under Sec.18(1) of Industrial Disputes Act, 1947 wherein it was agreed that both the panels of temporary employees and daily wage/temporary employees will be kept alive upto March, 1997 for filling the vacancies existing/arrived at as on 31st December, 1994 and thereafter, the said panels would lapse. It is further agreed that all the messengerial vacancies/positions in the sub-ordinate cadre including part time attenders specifically provided as leave reserve will be filled by the end of 31-3-1997. It is further submitted that on 27-2-1997 a memorandum of understanding was signed between the federation and the Respondent Management recording the fact of exercise of identifying the messengerial vacancies as on 31-12-94 has since been completed by the central office and thereby 403 messengerial vacancies were sanctioned to the circle of Management bank and it was agreed that these vacancies may be filled from 1989 panel of temporary employees after effecting conversion from full time non-messengerial staff in the usual manner. It is further submitted that the vacancies were filled up with eligible candidates in the panel and the Petitioners herein have not put in more number of days than those persons who have been absorbed. It is further submitted that. The case of the Petitioner has been considered under the settlement and could not provide permanent appointment as the panel was lapsed on 31-3-97. It is further submitted that the stipulated temporary service referred during the period from 1-1-1975 to 31-7-1988 is only to be taken for permanent absorption and the number of days worked subsequent to this period are not counted as per the agreement since, the panels were already lapsed on 31-3-1997. Further the vacancies were already filled up by absorption. It is further submitted that as per the terms of the settlement arrived at between the federation and the Management, the vacancies have been identified and the ex-temporary employees in

the panel were absorbed on the basis of seniority and the mere empanelment of the Petitioner will not give any right for absorption. The Petitioner is claiming his right only under the settlements and he has no independent right and the Respondent has not violated the terms of the settlement and the panel prepared by the Respondent was expired on 31-3-1997. It is not disputed filing of Writ Petitions by the Petitioners and the Petitioners could not get any relief in the Writ Petitions. It is further submitted that advertisement issued in pursuant to the first settlement it was clearly stated that a chance for being considered for appointment was given to those temporary employees who are found suitable and shall be wait-listed and their appointment shall be subject to the vacancies and the wait-list will be valid till 1991. It is further submitted that since the Petitioner did not work for 240 days in any preceding 12 calendar months the question of violation of Sec.25F of Industrial Disputes Act, 1947 will not arise. The Petitioners could not be engaged as there is no work and the vacancies in the bank were filled up on the regular basis on the basis of seniority and requested to dismiss the petition.

7. The Petitioner examined himself as WW1 and got marked documents Ex.W1 to W10. The Xerox copies of the documents are: EX.W1 is the service certificate for 88 days dated 20-8-91. Ex.W2 is the service certificate dated 1-9-97 for 284 days. Ex.W3 is the service certificate dated 19-8-91 for 88 days. Ex.W4 is the call letter dated 17-7-92. EX.W5 is the service certificate for 88 days from 3-4-91 to 29-6-91. Ex.W6 is service particulars. Ex.W7 is the employment registration card. Ex.W8 is SSE marks memo. Ex.W9 is the transfer certificate. Ex.W10 is the study certificate. Similar documents filed by other Petitioners in their respective cases. The Respondent filed the affidavit of MW1 and filed the following copies of documents. Ex. M1 to Ex. M4 are settlements dated 17-11-1987, 16-7-1988, 27-10-1988 and 9-1-1991 respectively. Ex.M5 is the minutes of the conciliation proceedings dated 9-6-95. Ex. M6 is the settlement dated 30-7-96. Ex. M7 is the Memorandum of Understanding dated 27-2-1997. EX.M8 is the copy of statements giving particulars of 1989 Messenger panel. Ex. M9 is the statement of 1989 Non-messengerial panel. EX.M10 is the statement of 1992 panel. Ex. M11 is the order in Writ Appeal No.86/98 dated 1-5-1998. Ex. M12 is the order in SLP No.11866-11888 of 1998 dated 10-8-1998.

8. The Petitioner has admitted in his cross examination that panel was prepared basing upon number of days of service put in by the temporary and casual daily wage workers and some of the workmen whose names were included in the panel were given regular appointment in order to their seniority in the panel. The Petitioner has reiterated in his affidavit the averments made in the petition.

9. It is not in dispute that the State Bank of India Staff Federation which represents the majority of the employees espoused the cause of temporary employees

and daily wagers who have put in less than 240 days of temporary service in a calendar year and in-eligible for any kind of protection under the Industrial Disputes Act, 1947. After due discussions between the staff federation and the Respondent Management a settlement was arrived at in between the parties on 17-11-1987 under Sec. 2(p) read with Sec. 18(1) of Industrial Disputes Act, 1947 which is the 1st settlement. The settlement is extracted herein.

"NOW THESE PRESENTS WITNESS AND IT IS HEREBY AGREED BY AND BETWEEN THE PARTIES HERETO AS FOLLOWS:

1. The following category of temporary employees in subordinate cadre will be given a chance for being considered for permanent appointment in the Bank's service against vacancies likely to arise in 1987 to 1991:

(i) Category 'A': Those who have completed 240 days temporary service in 12 months or less after 1-7-1975.

(ii) Category 'B': Those, who have completed 270 days aggregate temporary service in any continuous block of 36 calendar months after 1-7-1975.

(iii) Category 'C': Those who have completed a minimum of 30 days' aggregate temporary service in any calendar year after 1-7-1975 or a minimum of 70 days aggregate temporary service in any continuous block of 36 calendar months after 1-7-1975.

2. Permanent part-time employees will be given preference in filling up the full time vacancies both in messengerial and non-messengerial subordinate categories, and only after exhausting this group of employees, the resultant part-time/full time vacancies will be filled up by the temporary employees.

3. It is, however, understood that vacancies will first be filled from unused panels of the temporary employees (having 90 days temporary service as on 31-10-1984) already interviewed and waitlisted and thereafter remaining vacancies, if any, will be thrown open for the above category of temporary employees.

4. Above temporary employees would have been in the Bank's temporary in the service any time during 1-7-1975 to 31-12-1987 or any other date determined by the Bank and within 18 to 26 years of age on the date of initial temporary appointment, besides, fulfilling the other prescribed eligibility criteria for appointment in the subordinate cadre subject to clauses 4(a) and (b) Infra.

4(a). The temporary employees, who after termination of their initial appointments acquired a higher qualification in the High School Final examination, SSC or Matriculation or other equivalent examination in 2nd and 3rd division and are not eligible for being considered for clerical appointment and have not used the said higher qualification to secure employment elsewhere and either working as

such or ceased to work, will be given a chance for permanent appointment along with other candidates, as a special case, and this will not be treated as a precedent. It is clearly understood by the Federation that in future for purpose of any type of recruitment/appointment either on temporary or permanent capacity criteria (educational qualification viz. less than matriculation) both at the time of initial temporary appointment or permanent absorption.

(b) Pending disputes/cases initiated by temporary employees unions/associations shall be withdrawn by them as a result of this Settlement. or

5.A. Branch/offices will be treated as "Establishment" for purposes of the Industrial Disputes Act. However, for the purpose of reckoning aggregate temporary service of 240, 270, 70 or 30 days as aforesaid, the temporary service put in by temporary employees at any of the offices falling within the module concerned will be taken into account as one time measure.

6. Candidates will be appointed in permanent service only if they fulfill the eligibility criteria and are found medically fit, as per the Bank's guidelines.

7. Interviews will be conducted by Selection Committee to determine suitability/unsuitability of temporary employees for permanent appointment in the Bank. After completion of interviews, Interview Committee will finalise panels for full time and part-time appointment of suitable candidates for messengerial and non-messengerial positions. Names of suitable candidates will be wait-listed in order of their respective categories (Viz. A, B and C) and length of aggregate temporary service put in the Bank between 1st July 1975 to 31st December 1987 or any other date so fixed by the Bank, these panels be valid up to December, 1991.

8. The guidelines regarding reservation of vacancies for SC/ST/Ex-servicemen etc., would, however, be applicable.

9. None of the aforesaid category of temporary employees will be entitled for payment of the back wages or any other attendant benefits except increment(s) for the period of temporary service put in as per existing guidelines of the Bank nor will they be entitled for any further chance for being considered for permanent appointment. Their appointments will be effective from the date they take up their permanent appointment.

10. Henceforth, there will be no temporary appointment in the subordinate cadre. However, in the case of sweepers, where scavengers cannot be used as replacement of watch and ward staff, temporary appointment could be resorted to on restrictive basis from amongst empanelled candidates as per existing guidelines of the Bank.

11. The following temporary employees will not be given a chance for permanent appointment in the Bank's service:

- (i) Those, who did not fulfill the prescribed eligibility criteria on the date of their initial temporary appointment.
- (ii) Those, who have put in less than 30 days aggregate temporary service in any calendar year after 1st July, 1975 or less than 70 days aggregate temporary service in any block of 36 continuous calendar months after 1-7-1975 and those who were engaged by the Bank on casual basis. Work on casual basis would mean that the employment was for work of adhoc nature and persons were engaged on adhoc/fixed remuneration but not on regular scale pay as per the bipartite agreements.
- (iii) Those, who had worked temporarily in the Bank before 1st July, 1975. If such an employee has put in temporary service after 1-7-1975, this temporary service put in before 1-7-1975 shall not be reckoned.
- (iv) Those, who are already gainfully employed elsewhere on a regular basis or have a regular source of income.
- (v) Those, who fail to apply for permanent appointment within the period specified by the bank in terms of the settlement arrived with the Federation. The Bank will release advertisement in 2 leading dailies in each Circle (one of which will be in a local language) advising eligible candidates to apply for permanent appointment within 30 days or the publication thereof: applications received after the last date will not be entertained.
- (vi) Those who had concealed material facts regarding their employment, age or educational qualification etc. from the bank or seek appointment in more than one name or have unsatisfactory past record in the Bank or in law.

12. All the disputes raised by an affiliate of the Federation or an individual employee or anybody else in regard to the above matter will be deemed to have been settled by virtue of the Agreement. The parties to such disputes should report this Agreement for being recorded by authority like an Industrial Tribunal, Labour Court, Conciliation Officer or other courts or any other authority before whom disputes may be pending and all such disputes shall no longer subsist and be deemed to have been withdrawn.

In witness whereof the parties hereto have executed these present on the day, month and year first above written.

13. In view of the settlement it was agreed that temporary employees as categorized above would be given a chance for being considered for absorption in the bank's service against the vacancies which are likely to arise during the period 1987 to 1991. Subsequently another settlement was arrived at under Sec.18(1) of Industrial Disputes Act, 1947 on 16-7-1988 wherein it was agreed to substitute the period of consideration of vacancies as 1987 to 1992 in place of 1987 to 1991 as contemplated in the 1st settlement. Subsequently, a third settlement was entered on 27-10-1988 under Sec.2 (p) read with Sec.18(1) of Industrial Disputes Act, 1947 wherein it was agreed that the bank's service against the vacancies likely to arise from 1988 to 1992 was to be considered. Subsequently, on 9-1-1991 another settlement was arrived at in between the parties which is 4th settlement wherein it was agreed to substitute the year 1992 with 1994, in the 1st settlement dated 17-11-1987 as modified by the settlement dated 16-7-1988. In view of this settlement separate panels were to be prepared with temporary employees as well as casual/daily wagers for filling of vacancies arising between 1988 to 1994 in respect of temporary employees and in respect of casual/daily wagers they can be considered for the vacancies arising between 1995 and 1996 only. In view of the said settlement, the Management prepared the panels of qualified candidates for temporary employees denoted as 1989 panel and also panel of casual daily wagers denoted as 1992 panel for consideration of permanent absorption and the panels were prepared zonal-wise separately for messengers and non-messengers in the descending order of temporary service put in by the candidates during the stipulated period of 1-7-1975 to 31-7-1988. It is also not in dispute that Regional Labour Commissioner (C) conducted conciliation proceedings at the instance of the staff federation and an agreement was arrived at between the federation and the Management wherein it was agreed that both the panels of temporary employees and daily wagers/casual labour would be kept alive upto March, 1997 and the vacancies would be filled from both the lists concurrently. It is also not in dispute that in pursuance of the conciliation proceedings, another settlement which is 5th settlement was arrived at under Sec.2 (p) read with Sec.18(1) of industrial Disputes Act, 1947 was arrived on 30-7-1996 wherein it was agreed by referring the previous four settlements that both the panels of temporary employees and daily wage/casual employees will be kept alive upto 1997 by filling the vacancies existing/arrived at as on 31-12-1994 and both the panels would lapse on 31-3-1997.

14. The Learned Counsel for the Petitioner contended that the Petitioners worked for several years with artificial breaks and they were given word that they will be considered for absorption in the service of the Respondent by way of settlements and the Petitioners were selected and empanelled in pursuance of the settlements, but they

were not considered. On the other hand, they were asked not to attend the duties from 1.4.1997. The Petitioners could have been absorbed before 31.3.1997 but the Respondent allowed list to be lapsed and further contended that the Government of India issued a circular dated 16.8.1990 directing the concerned authorities to follow the procedure in the approach paper for absorption of temporary employees and further directed, only the problem of temporary employees is fully resolved. A ban was imposed for making any temporary appointment. Further argued that judicial functions of the court in interpreting the Constitution and provisions of Industrial Disputes Act, 1947 requires to build up continuity of socio-economic empowerment to the poor to sustain equality of opportunity and status of law should constantly meet the needs and aspirations of the society in establishing the egalitarian social order and further argued that the last settlement does not provide lapsing of the empanelled candidates and further contended that without applying the settlements the Respondent engaged fresh candidates and some of them were absorbed permanently and it is further contended that the termination of the Petitioners is in violation of Sec.25F of the Industrial Disputes Act, 1947 and they were not served one month notice and compensation.

12. On the other hand the Learned Counsel for the Respondent contended that the Petitioners are casual employees worked at the breaches of the Respondent for short periods at the instance of the concerned Branch Manager who have no power to appoint and further contended that the Petitioners are not employees of the Respondent bank selected through the process and they were engaged by the concerned Branch Managers, to meet the exigencies of work at intermittently and further contended that the Petitioners have not put in continuous service of 240 days in the calendar year as required under the Industrial Disputes Act, 1947 and further pointed out that the empanelled candidates are thousands in number and the vacancies are less and the candidates in the wait-listed panel were absorbed as per the terms of the settlement in respect of the existing vacancies and likely to arrive, further contended that the panel was expired by 31-3-1997. As such the Petitioners are not entitled to get any relief.

13. The Government of India in its letter dated 16.8.1990 issued guidelines to the public sector banks with regard to recruitment and absorption of temporary employees and these guidelines has to be implemented on the lines of approach paper on the issue provided by a committee constituted in this regard. The approach paper specified the cases of temporary service in 12 consecutive months specified that the case of the temporary service in 12 consecutive months and entitled to the benefit of the Sec.25F of India of Industrial Disputes Act, 1947 may be decided by entering into a settlement with the representative union. In respect of temporary employees who had put in

less than 240 days of service in 12 consecutive months or less, settlement can be entered if Management so desires with the representative union. In para 6(4) of the approach paper, those temporary employees who has put in temporary service of 90 days or more the bank entered into a settlement in respect of those candidates. It should be noted that the 1st settlement arrived at between the staff federation and the Respondent bank is more considerate and given further concession to those who have put in less than 90 days even to those persons who are working after 1-9-1995. It is made clear in the approach paper that it is one time exercise in full and final settlement of all claims. The Petitioners could not produce any evidence that they have worked temporarily for 240 days or more. Their right flows only from the five settlements and Memorandum of Understanding. The Petitioners admitted that the panels were prepared as per the seniority of their service and the juniors of the Petitioners were not absorbed. When the Petitioners are claiming the right under the settlement the terms and conditions of the settlement are binding on them. These settlements were entered under 18(1) of Industrial Disputes Rules. The Petitioners have to make out their case that they are entitled for absorption under the said settlement and the Management has violated the terms of the said settlements. The Petitioners who are empanelled could not be absorbed for want of vacancies. The settlements were time bound and they cease to exist on 31.3.1997. It should be noted that the Respondent has never promised that all the candidates empanelled will be absorbed. In the advertisement calling for the interview it was made clear that that candidates will be considered for absorption in the vacancies that arose. Since the panel lapsed by 31.3.1997 the Respondent could not appoint the Petitioners. It should be noted that if the panels not lapsed as agreed upon and allowed to be continue, it would result allowing all the temporary employees indirectly making permanent through back door entry which would be contrary to the settlement. The Petitioners were not given any promise that all of them will be absorbed. As such a question of legitimate expectation being violated by the management does not arise. The Petitioners and similarly placed employees have filed writ petition in Hon'ble High Court of A.P. , in writ petition No.9206/95 for their absorption and the same was allowed. Further a writ appeal filed by the Respondent management W A No.86/98 which set aside the order of Single Judge in WP No.9206/95. Aggrieved by the orders of the Division Bench, the temporary employees unsuccessfully approached the Hon'ble Supreme Court. Therefore, the order passed by the Single Judge is of no consequence. The Petitioners do not come under the category of casual labours who worked for 240 days and above. As such, the question of violation of Sec.25F of Industrial Disputes Act, 1947 does not arise. It is held in 1997 (6) SCC page 584 Syndicate Bank Vs. Sankarpal, wherein it was held that if a waiting list is for specific period the wait listed candidates do not have any

right once the list lapses. In 1997 (4) SCC page 283, Sanjay Vs. Union of India wherein it was held by the Hon'ble Supreme Court of India held that wait-listed candidates have no right for appointment where there are no vacancies.

14. The judgement of Hon'ble High Court of Orissa in OJC 9093 of 1997, it was held that only those casual workers who were in the waiting list of the bank (Panels) were eligible to be regularized against the vacancies of the bank. A selected list came to an end on 31-3-1997 as they are not entitled to get any relief. This rule was confirmed by Hon'ble Supreme Court of India on 17-6-1999 in SLP (CC) 3082/99. It is to be noted that in the ruling 1992 2 LLJ page 52 by the Hon'ble Supreme Court of India held that any person who have completed 240 days cannot claim regularization only on such grounds, regularization jeopardizes the larger public interest. In the ruling of Orissa High Court in OJC 9039 of 1997 (WP) and batch, it discloses, the settlement arrived at between the State Bank of India and the Staff Federation dated 30-7-1996 was discussed, held that, "the currency of the arrangement made on the basis of the impugned decisions/settlements has come to an end on 31-3-1997. It is pleaded by the Petitioner that the modalities may be followed in future though new norms have not been fixed. We do not think it necessary to go into this hypothetical questions...". As such, temporary employees have no right to claim for absorption.

15. In view of the above circumstances, the Petitioners could not be considered for absorption under the settlement, as such all the petitions are dismissed.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her and corrected by me on this the 21st day of December, 2006.

T. RAMACHANDRA REDDY, Presiding Officer

Appendix of evidence & Documents marked for the Petitioner

LCID No. 26/2004

Witnesses examined for the Petitioner:

WW1 : N. Siva Kumar MW1 : Sri Ch. Vijaya Sekhar/
Sri I.S. Appa Rao

Ex. W1: Copy of the service certificate for 88 days dated 20-8-91

Ex. W2: Copy of the service certificate dated 1.9.97 for 284 days

Ex. W3: Copy of the service certificate dated 19-8-91 for 88 days

Ex. W4: Copy of the call letter dated 17-7-92

Ex. W5: Copy of the service certificate for 88 days from 3.4.91 to 29.6.91

Ex. W6: Copy of the service particulars

Ex. W7: Copy of the employment registration card

Ex. W8: Copy of the SSC marks memo

Ex. W9: Copy of the transfer certificate

Ex. W110: Copy of the study certificate

LCID No. 27/2004

Witnesses examined for the Petitioner:

WW1: Chinna Mastan MW1: Sri Ch. Vijaya Sekhar/Sri
IS. Appa Rao

Ex. W1: Copy of the service certificate for 174 days dated 18-8-1992

Ex. W2: Copy of the transfer certificate

Ex. W3: Copy of the orthopadically handicapped certificate issued by Child Welfare and Labour Department Dt.15-6-92

Ex. W4: Copy of the caste certificate

LCID No. 28/2004

Witnesses examined for the Petitioner:

WW1: S. VijayKumar MW1: Sri Ch. Vijaya Sekhar/
Sri IS. Appa Rao

Ex. W1: Copy of the service certificate for 174 days dated 17-8-92

Ex. W2: Copy of the service certificate dated 5-8-97 for 137 days

Ex. W3: Copy of the service certificate for 85 days issued by Branch Manager, SBI, Cuddapah

Ex. W4: Copy of the transfer certificate

Ex. W5: Copy of the caste certificate

Ex. W6: Copy of the list of the selected candidates

LCID No. 29/2004

Witnesses examined for the Petitioner :

WW1: K. Kannaiah MW1 : Sri Ch. Vijaya Sekhar/
Sri I.S. Appa Rao

Ex. W1: Copy of the Interview call letter

Ex. W2: Copy of the service certificate for 192 days Copy of the rejection letter

Ex. W3: Copy of another call letter

Ex. W5: Copy of the service certificate

Ex. W6: Copy of the list of the selected candidates

LCID No. 36/2004

Witnesses examined for the Petitioner:

WW1: Barega Babu MW1: Sri Ch. Vijaya Sekhar/
Sri I.S. Appa Rao

Ex. W1: Copy of the interview call letter

Ex. W2: Copy of the empanelled candidates

Ex. W3: Copy of the caste certificate

Ex. W4: Copy of the marks memo

Ex. W5: Copy of the service certificate

LCID No. 37/2004

Witnesses examined for the Petitioner:

WWI: C. Tirupalu MWI: Sri Ch. Vijaya Sekhar/Sri I.S. Appa Rao

Ex. W1: Copy of the interview call letter

Ex. W2: Copy of the community, nativity and date of birth certificate

Ex. W3: Copy of the service certificate

Ex. W4: Copy of the transfer certificate

LCID No. 38/2004

Witnesses examined for the Petitioner:

WWI: M.V. Chalapathy MWI: Sri Ch. Vijaya Sekhar/Sri I.S. Appa Rao

Ex. W1: Copy of the certificate dt.16-5-97

Ex. W2: Copy of the service certificate Dt.16-5-97

Ex. W3: Copy of the caste certificate

Ex. W4: Copy of the marks memo

Ex. W5: Copy of the transfer certificate

LCID No. 181/2004

Witnesses examined for the Petitioner:

WWI: Uppu Edukondalu MWI: Sri Ch. Vijaya Sekhar/Sri I.S. Appa Rao

Ex. W1: Copy of the transfer certificate

Ex. W2: Copy of the service certificate Dt.7-1-1987

Ex. W3: Copy of the service certificate for 200 days issued by Chief Manager, Nellore branch

Ex. W4: Copy of the another service certificate for 200 days by the Chief Manager, Nellore branch

Ex. W5: Copy of the another service certificate for 196 days by the Chief Manager, Nellore branch

Ex. W6: Copy of the another service certificate for 92 days by the Chief Manager, Nellore branch

Ex. W7: Copy of the another service certificate dt. 15-9-98 by the Chief Manager, Nellore branch

Ex. W8: Copy of panel list.

LCID No. 182/2004

Witnesses examined for the Petitioner:

WWI: Lakkepogu Moses Vijaya Kumar
MWI: Sri Ch. Vijaya Sekhar/
Sri I.S. Appa Rao

Ex. W1: Copy of the call letter dt.11-7-1989

Ex. W2: Copy of the panel list

Ex. W3: Copy of the caste certificate

Ex. W4: Copy of the service certificate for 89 days by the Chief Manager, Nellore branch dt.12-9-86

Ex. W5: Copy of the another service certificate for 78 days by the Chief Manager, Nellore branch

Ex. W6: Copy of the another service certificate for 122 days by the Chief Manager, Nellore branch

Ex. W7: Copy of the another service certificate for 196 days by the Chief Manager, Nellore branch

Ex. W8: Copy of the another service certificate for 32 days by the Chief Manager, Nellore branch

Ex. W9: Copy of the another service certificate for 63 days by the Chief Manager, Nellore branch

Ex. W10: Copy of the another service certificate for 46 days by the Asst.General Manager, Nellore branch

LCID No. 183/2004

Witnesses examined for the Petitioner:

WWI: Ch. Srinivasulu MWI: Sri Ch. Vijaya Sekhar/
Sri I.S. Appa Rao

Ex. W1: Copy of the call letter dt. 22-7-89

EX. W2: Copy of the caste certificate

Ex. W3: Copy of the service certificate for 1119 days

Ex. W4: Copy of the another service certificate for 187 days dt.17-8-88

Ex. W5: Copy of the another service certificate for 750 days by the Chief Manager, Vedayapalam branch

Ex. W6: Copy of the another service certificate for 182 days by the Chief Manager, Vedayapalam branch

Ex. W7: Copy of the transfer certificate

Ex. W8: Copy of the SSC certificate

LCID No. 184/2004

Witnesses examined for the Petitioner:

WWI: Sk Ajmer Shah MWI: Sri Ch. Vijaya Sekhar/
Sri S. Appa Rao

- EX. W1: Copy of the call letter dt.29-7-89
 EX. W2: Copy of the service certificate 19-1-88
 EX. W3: Copy of the service certificate for 200 days
 EX. W4: Copy of the another service certificate for 187 days dt.19-3-96
 EX. W5: Copy of the another service certificate dt. 6-6-97 for 30 days
 EX. W6: Copy of employment card
 EX. W7: Copy of the transfer certificate.

LCID No. 185/2004

Witnesses examined for the Petitioner:

WWI: V. Gangadharam MWI: Sri Ch. Vijaya Sekhar/
 Sri I.S. Appa Rao

- EX. W1: Copy of the service certificate dt. 19-8-91
 EX. W2: Copy of the service certificate Dt.20-8-91
 EX.W3: Copy of the service certificate for 119 days dt. 29-7-92
 EX.W4: Copy of the another service certificate for 194 days dt. 2-9-97
 EX.W5: Copy of the another service certificate for 194 days dt. 2-9-97
 EX.W6: Copy of the interview call letter dt.17-7-92
 EX.W7: Copy of the service particulars
 EX.W8: Copy of panel list.

LCID No. 186/2004

Witnesses examined for the Petitioner:

WWI: P. Subramanyam MWI: Sri Ch. Vijaya Sekhar/
 Sri I.S. Appa Rao

- EX.W1: Copy of the service certificate dt. 2-9-97
 EX. W2: Copy of the service certificate Dt. 2-9-97 for 190 days
 EX. W3: Copy of the service certificate for 70 days
 EX. W4: Copy of the another service certificate for 70 days
 EX. W4: Copy of the another service certificate for 70 days dt. 19-7-92
 EX. W6: Copy of panel list.
 EX. W7: Copy of the interview call letter.

LCID No. 187/2004

Witnesses examined for the Petitioner:

WWI: P. Ashok Kumar MWI: Sri Ch. Vijaya Sekhar/
 Sri I.S. Appa Rao

- EX. W1: Copy of the call letter
 EX. W2: Copy of the service certificate 89 days
 EX. W3: Copy of the service certificate for 200 days

- EX. W4: Copy of the another service certificate for 200 days
 EX. W5: Copy of the employment card
 EX. W6: Copy of the community certificate
 EX. W7: Copy of the another service certificate for 54 days
 EX. W8: Copy of service certificate for 191 days
 EX. W9: Copy of panel list.

LCID No. 188/2004

Witnesses examined for the Petitioner:

WWI: Tegala Srinivasulu MWI: Sri Ch. Vijaya
 Sekhar/Sri I.S. Appa Rao

- EX.W1: Copy of the service certificate for 89 days
 EX.W2: Copy of the service certificate for 67 days
 EX.W3: Copy of the service certificate for 133 days
 EX.W4: Copy of the another service certificate for 200 days
 EX.W5: Copy of the another service certificate for 196 days
 EX.W6: Copy of the service certificate for 88 days
 EX.W7: Copy of the interview call letter
 EX.W8: Copy of transfer certificate
 EX.W9: Copy of panel list
 EX.W10: Copy of service certificate for 89 days.
 EX.W11: Copy of the service certificate for 93 days.

LCID No. 202/2004

Witnesses examined for the Petitioner:

WWI: Udaya Bhaskar MWI: Sri Ch. Vijaya Sekhar/
 Sri I.S. Appa Rao

- EX. W1: Copy of the panel list
 EX.W2: Copy of the study certificate
 EX.W3: Copy of the service certificate for 211 days
 EX.W4: Copy of the service certificate for 211 days
 EX.W5: Copy of the transfer certificate.

LCID No. 203/2004

Witnesses examined for the Petitioner:

WWI: S. Ramesh MWI: Sri Ch. Vijaya Sekhar/
 Sri I.S. Appa Rao

- EX. W1: Copy of the notification
 EX. W2: Copy of the caste certificate
 EX. W3: Copy of the interview call letter
 EX. W4: Copy of transfer certificate
 EX. W5: Copy of the service certificate for 89 days
 EX. W6: Copy of the another service certificate for 89 days

EX. W7: Copy of the service certificate for 193 days
 EX. W8: Copy of the another service certificate for 30 days

EX. W9: Copy of service certificate for 177 days

LCID No. 204/2004

Witnesses examined for the Petitioner:

WW1: M. Murugaiah MW1: Sri Ch. Vijaya Sekhar/
 Sri I.S. Appa Rao

EX. W1: Copy of the service certificate for 250 days

EX. W2: Copy of the another service certificate for 572 days

EX. W3: Copy of the another service certificate for 250 days

EX. W4: Copy of panel list

EX. W5: Copy of the interview call letter

EX. W6: Copy of the transfer certificate.

LCID No. 205/2004

Witnesses examined for the Petitioner:

WW1: R. Jaya Raju MW1: Sri Ch. Vijaya Sekhar/
 Sri I.S. Appa Rao

EX. W1: Copy of the service certificate for 82 days

EX. W2: Copy of the caste certificate

EX. W3: Copy of the transfer certificate.

LCID No. 218/2004

Witnesses examined for the Petitioner:

WW1: D. Prasad MW1: Sri Ch. Vijaya Sekhar/
 Sri I.S. Appa Rao

EX. W1: Copy of the service certificate for 170 days

EX. W2: Copy of the another service certificate for 170 days

EX. W3: Copy of the another service certificate for 146 days

EX. W4: Copy of nativity certificate

EX. W5: Copy of the transfer certificate

EX. W6: Copy of the study certificate.

LCID No. 227/2004

Witnesses examined for the Petitioner:

WW1: T. Subba Rao MW1: Sri Ch. Vijaya Sekhar/
 Sri I.S. Appa Rao

EX. W1: Copy of the service certificate dt. 1-1-88

EX. W2: Copy of the service certificate dt. 20.8.92

EX. W3: Copy of the call letter for interview

EX. W4: Copy of the appointment letter dt. 3-4-92

EX. W5: Copy of the service certificate dated 1-10-94 for 426 days by Markapur branch

EX. W6: Copy of the service certificate issued by Peddaraveedu branch for 103 days

EX. W7: Copy of the another service certificate for 55 days by Peddaveedu branch

EX. W8: Copy of employment card

EX. W9: Copy of transfer certificate

EX. W10: Copy of panel list.

LCID No. 230/2004

Witnesses examined for the Petitioner:

WW1: T.V.Ramanjeneyulu MW1: Sri Ch. Vijaya
 Sekhar/Sri I.S. Appa Rao

EX. W1: Copy of the service certificate for 170 days

EX. W2: Copy of the another service certificate for 170 days

EX. W3: Copy of the another service certificate for 146 days

EX. W4: Copy of nativity certificate

EX. W5: Copy of the transfer certificate

EX. W6: Copy of the study certificate.

LCID No. 231/2004

Witnesses examined for the Petitioner:

WW1: Indle Elia MW1: Sri Ch. Vijaya Sekhar/
 Sri I. S. Appa Rao

EX. W1: Copy of the service certificate for 324 days

EX. W2: Copy of the another service certificate for 80 days

EX. W3: Copy of the another service certificate for 80 days

EX. W4: Copy of the transfer certificate

EX. W5: Copy of the study certificate

EX. W6: Copy of nativity certificate

EX. W7: Copy of panel list.

LCID No. 232/2004

Witnesses examined for the Petitioner:

WW1: Y. Prasad Babu MW1: Sri Ch. Vijaya
 Sekhar/ Sri I. S. Appa Rao

EX. W1: Copy of the service certificate for 721 days

EX. W2: Copy of the marks memorandum

EX. W3: Copy of the study and conduct certificate

EX. W4: Copy of the transfer certificate

EX. W5: Copy of panel list

EX. W6: Copy of community, nativity and date of birth certificate

LCID No. 233/2004

Witnesses examined for the Petitioner:

WW1: P. Anand MW1: Sri Ch. Vijaya Sekhar/
 Shri I.S. Appa Rao

EX. W1: Copy of the service certificate for 144 days

EX. W2: Copy of the service certificate for 408 days

- EX. W3: Copy of panel list
 EX. W4: Copy of the caste certificate
 EX. W5: Copy of the study certificate
 EX. W6: Copy of marks memorandum.

LCID No. 241/2004

Witnesses examined for the Petitioner:

WW1: P. Ravi Kumar MW1: Sri Ch. Vijaya Sekhar/
 Sri I.S. Appa Rao

- Ex.W1: Copy of the service certificate for 168 days
 Ex.W2: Copy of the service certificate for 144 days
 Ex.W3: Copy of the service certificate for 291 days
 Ex.W4: Copy of the study certificate
 Ex.W5: Copy of the transfer certificate
 Ex.W6: Copy of community, nativity and date of birth certificate.

LCID No. 242/2004

Witnesses examined for the Petitioner:

WW1: D. Daniel MW1: Sri Ch. Vijaya Sekhar/Sri I.S.
 Appa Rao

- Ex.W1: Copy of the service certificate for 714 days
 Ex.W2: Copy of the service certificate for 175 days
 Ex.W3: Copy of call letter
 Ex.W4: Copy of the transfer certificate :
 Documents marked for the Respondent in all the 27 cases
 Ex.W1: Copy of the settlement dated 17-11-1987
 Ex.W2: Copy of the settlement dated 16-7-1988
 Ex.W3: Copy of the settlement dated 27-10-1988
 Ex.W4: Copy of the settlement dated 9-1-1991
 Ex.W5: Copy of the minutes of the conciliation proceedings dated 9-6-95
 Ex. M6 Copy of the settlement dated 30-7-96
 Ex. W7: Copy of the Memorandum of Understanding dated 27-2-1997.
 Ex.W8: Copy of statements giving particulars of 1989 Messenger panel.
 Ex.W9: Copy of the statement of 1989 Non-messengerial panel.
 Ex.W10: Copy of the statement of 1992 panel.
 Ex.W11: Copy of the order in Writ Appeal No.86/98 dated 1-5-1998
 Ex.W12: Copy of the order in SLP No.1 1866-11888 of 1998 dated 10-8-1998.

नई दिल्ली, 17 जनवरी, 2007

का.आ. 410.-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू. सी.

एल. के प्रबंधन के संबंध नियोजनों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (संख्या 225/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-1-2007 को प्राप्त हुआ था।

[सं. एल-22012/522/1999-वर्ग 4 (सी.एम.-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 17th January, 2007

S.O. 410.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 225/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure, in the Industrial Dispute between the employer in relation to the management of WCL and their workman, which was received by the Central Government on 17-1-2007.

[No. L-22012/522/1999-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE SHRI A.N. YADAV PRESIDING OFFICER,
 CGIT-CUM-LABOUR COURT, NAGPUR**

Case No. NGP/225/2000**Date: 08-01-2007.**

Petitioners Party No.1 :Shri Punjaram Kapoor R/Loader,
 Silewara Mine, Vill. Itgaon, PO
 Parshiwani, Dist. Nagpur, Nagpur.

Versus

Respondent Party No.2 The Sub Area Manager, Silewara
 Colliery, PO Silewara, Tah. Saoner,
 Dist. Nagpur, Nagpur.

AWARD

(Dated: 8th January, 2007)

1. The Central Government after satisfying the existence of disputes between the above Shri Punjaram Kapoor, R/Loader, Silewara Mine, Vill. Itgaon, PO Parshiwani, Dist. Nagpur, Nagpur Party No.1 and the Sub Area Manager, Silewara Colliery, PO Silewara, Tah. Saoner, Dist. Nagpur. Nagpur Party No. 2 referred the same for adjudication to this Tribunal vide its Letter No. L 22012/522/99/IR(CM-II) Dt. 27-07-2000 under clause (d) of sub Section (1) and sub section (2A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) with the following schedule.

2. "Whether the action of the Western Coalfields Limited through it's Sub Area Manager, Silewara Group of Mines, PO Silewara, Tah. Saoner, Dist. Nagpur in dismissing the services of Sh. Punjaram Kapoor, R/Loader w.e.f. 31-03-1997 is legal, proper and justified? If not, to what relief, the workman is entitled to?"

3. It is the case of the petitioner that he was appointed as a loader at Silevara Mines at Western Coal Field on 11-05-1981 and he had 14 years unblemished service at his credit. Consequently he had acquired the status of permanent worker at the time of his termination. It is alleged that he is shocked on receipt of the Order Dt. 31-03-1997 terminating his services by the respondent without any reasons. The order was showing that his attendance for the period of 2 years i.e. 1995 was 106 days and in the year 1996. It was only 19 days which according to them was unsatisfactory and unauthorized. The order of termination was against the principles of natural justice without following the mandatory provisions of Industrial Dispute Act, 1947. The management has not conducted any inquiry to prove the charges. He was sick during the disputed period and was taking the treatment from the hospital of the W.C.L. as well as of Primary Health Center and private hospitals. According to him he has been dismissed under the pretext of termination without following the procedure prescribed in a standing order. It is wholly arbitrary and unfair he was regular loader and not a casual loader. He was receiving the pay as per pay slip he had Identity Card. He was given a leave travel concession as he was qualified for the same and all these privileges are not at all entitled to the casual workers. The management does not maintain the record of sickness and treat the workers as unauthorized absence. In fact, he has been punished and dismissed without proceeding by regular departmental inquiry and thus the Order of termination is unjustified and unjust.

5. Without prejudice to the above contention he has also submitted that as per certified orders a casual worker means a worker who is intermediate and sporadic and extends for the period of maximum 3 months. He has completed more than 14 years continuous service in the job of permanent nature and cannot be turned by the casual workmen even otherwise also the provisions of Section 25F & 25G of Industrial Dispute Act, 1947 have been not followed in case he was a casual labour. Thus he prayed to answer the dispute in his favour.

6. The management appeared in response to the notice of the Court and recited the claim by following a W.S. having admitted that he was appointed on 11-05-1981 in Silewara Collieries, Silewara Sub Area Nagpur of W.C.L. contended that the petitioner had never acquired a status of a permanent loader. As per norms of the Company the casual loader or loader working on the ground when he puts 190 days of attendance in a calendar year. He has never fulfilled the norms during the period of 16 years and therefore, his status has a casual labour remain as it is. It has year-wise days of attendance for working of the petitioner from 1987 till 1996 and submitted that he used to attend the duty as per his pleasure and he never acquired the permanency. Similarly the management has denied that he has suffering from prolonged disease since 1995. Thus according to the management he was not properly

discharging his duty and remain as a casual work for the long time. Since he was not a permanent worker he was not necessary to conduct any inquiry. He has hardly taken a treatment from the hospital of the respondent and thus it has supported its action saying that the termination was legal and proper.

7. Both the parties have adduced the documentary as well as oral evidence. The petitioner examined himself while the management has also examined its officers. I have heard both the counsels of the parties in view of the dispute referred and considering the schedule attached to it the only point that arise for my consideration is as under :

“Whether the action of the management is terminating the petitioner is proper and justify and whether the petitioner is entitled for any relief as claimed by him”.

8. Undisputedly the petitioner Pujaram Kapoor was appointed as casual loader on 11-05-1981 in Silewara Colliery, Silewara Sub Area Nagpur Area of W.C.L. Similarly it is an admitted fact that before issuing the termination order no inquiry was initiated or the provisions of Section 25F & G were not followed. According to the management he was appointed as a casual labour and he has never acquired regularization, though he worked for more than 16 years, it is contended that the workman who is doing underground work has to complete at least 190 days within a span in a year to get a permanency. The management has given a list of working days with year-wise break up from 1987 till 1996, which according to the management he was not at all interested in the job and was attending the duty as per his pleasure. As against this according to the workman he was particularly in the year 1996 for which he was dismissed from the service. The perusal of the dismissal order indicates that he was dismissed due to his poor attendance particularly in the years 1995 & 1996. Therefore the question is whether the petitioner was a permanent employee and he was absent due to the illness. In order to prove their contention on behalf of the petitioner the workman examined himself and he produced a certain medical certificates and other documents while on behalf of management its senior officer is examined. They both have support their respective contentions. However, the evidence of petitioner appears to be a more reliable than the management because it is supported with the documents. Though the management has given a list of the days working in a year, but that list is not complete. It is only in respect of the years from 1987 to 1996. However, he was admittedly engaged as a casual labour in the year 1981. This itself indicates that the management has suppressed the attendance of earlier years from 1982 to 1987. Naturally the inference will have to be drawn against the management that the petitioner had completed more than 190 days in one calendar year during that period. Moreover, the petitioner has produced sufficient evidence like an Identity Card, His Pay Slip, Provident Fund Account,

Family Pension Fund A/c., Professional Tax etc. This clearly shows that he was a permanent loader. He has even availed the benefits of leave travel concessions. All these documents are showing that the petitioner was regular employee and he cannot be termed as a casual employee. All these facilities cannot be granted to a casual loader.

9. The petitioner is dismissed for his poor attendance in the years 1995 & 1996 as per respondent he has worked only for 96 days in that year. The petitioner has submitted the medical certificates, which indicates that he was treated for considerable period even in hospitals of management during the period 1995 & 1996. Therefore, his absence also cannot be treated as unauthorized absence. In such circumstances had the workman be given an opportunity of making submissions in respect of his absence as well his claim, he would have satisfied the management by giving a proper explanations regarding it. The management has not initiated any inquiry and on one fine morning terminated the services of the petitioner as per its pleasure. Only with a view to show and support its illegal order. It is coming with the contentions, which are untenable at all. Hence my opinion the petitioner has successfully proved that he was a loader as well as his termination is illegal, because it is not effected after a proper inquiry. He being a permanent employee, inquiry was necessary before a termination order. Hence there is no other go than to hold the termination as illegal. Accordingly the termination is set aside and he is reinstated.

10. So far as back wages is concern since he is dismissed illegally he would be entitled to the back wages. The question of quantify the back wages is also there in my view, if we look the attendance of the petitioner from the year 1987 till 1996. It is a fact that it was less than was expected. It would have difficult to conclude that he would have increased the attendance after 1996. In such circumstances in my opinion 75% of back wages will be sufficient to meet the ends of justice instead of granting 100%. Hence I passed the following order.

ORDER

1. The reference is answered in the affirmative.

2. The order of the Management, Western Coalfields Limited bearing No. SPN/SAM/SIL/97/659 Dt. 31-03-1997 terminating the services of the petitioner w.e.f. 31-03-1997 is declared as illegal and set aside.

3. The management is directed to reinstate the petitioner Punjaram Kapoor as a regular loader immediately.

4. He shall be paid with the back wages @ 75% per month from the date of his dismissal till reinstatement and also pay Rs. 1,000 as a cost of this litigation to the Petitioner.

Hence this award.

Dated: 08-1-2007

A. N. YADAV, Presiding Officer

नई दिल्ली, 17 जनवरी, 2007

का.आ. 411.- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या 09/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-1-2007 को प्राप्त हुआ था।

[सं. एल-22012/39/2003-आई आर (सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 17th January, 2007

S.O. 411.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 09/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure, in the Industrial Dispute between the management of Silewara Colliery of Western Coalfields Limited, and their workmen, received by the Central Government on 17-1-2007.

[No. L-22012/39/2003-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SHRI A. N. YADAV PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR.

Case No. NGP/09/2004 Dated 03-01-2007.

Petitioner Party No. 1 SHRI KESHAO S/O
BALAKRISHNA KAPSIKAR,
Post Kanhan, Tah. Parseoni, Dist.
Nagpur.

Versus

Respondent Party No. 2 The SUPERINTENDENT
[MINES] MANAGER,
Silewara Colliery of Western
Coalfields Limited, Post
Silewara, Tah. Saoner, Nagpur.

AWARD

(Dated: 3rd January 2007)

1. The Central Government after satisfying the existence of disputes between SHRI KESHAO S/O BALKRISHNA KAPSIKAR, Post Kanhan, Tah. Parseoni, Dist. Nagpur Party No. 1 and THE SUPERINTENDENT [MINES]/MANAGER, Silewara Colliery of Western Coalfields Limited, Post Silewara Tah. Saoner, Nagpur Party No. 2 referred the same for adjudication to this Tribunal vide its Letter No. L-22012/39/2003IR(CM-II) Dt. 30-12-2003 under clause (d) of sub section (1) and sub Section (2A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947) with the following schedule.

2. "Whether the action of the management of W.C.L., in terminating the services of Shri Keshao S/o Balkrishna Kapsikar, R/o Kanhan, Nagpur w.e.f. 27-03-2002 for the charges of unauthorized absence is legal and justified? If not to what relief the said workman is entitled?"

3. The dispute came up for hearing on 03-01-2007 today the case is fixed for filing of Statement of Claim of the workman, nobody either on petitioner side or from the management is present. The perusal of record indicates that nobody is attending the court on behalf of the petitioner as well as management right from 21-09-2005, though the case is filed in the year 2004 till today the Statement of Claim is not filed by petitioner. This indicates that he is not interested in continuing the case. There are no reasons also for keeping it unnecessarily pending for filing the Statement of Claim as the parties are not taking any interest. In such circumstances the petition is disposed of for default of the petitioner. It stands as dismissed. No order has to cause. Hence the dispute is answered that the action of the management is proper and the petitioner is not entitled for any relief.

Hence this award.

Dated: 03-01-2007

A. N. YADAV, Presiding Officer

नई दिल्ली, 17 जनवरी, 2007

का.आ. 412. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार साऊथ ईस्टर्न रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 23/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-1-2007 को प्राप्त हुआ था।

[सं. एल-41011/42/95-आई आर (बी.-I)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 17th January, 2007

S.O. 412. — In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 23/97) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial Dispute between the management of South Eastern Railway, and their workmen, which was received by the Central Government on 17-1-2007.

[No. L-41011/42/95-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR**

NO. CGIT/LC/R/23/97

Presiding Officer: Shri C.M. Singh

Shri Ram Sevak Sevar (INTUC),
Railway colony, Qr. H-7/2
Narrowguage Road, Gwalior.

Shri Nand Kishore,
Laderi Mohalla,
Near Hanuman Mandir, Lohamandi,
Gwalior

Shri Omprakash,
Mirola Road, H.No.100/1,
Gwalior (MP)

Workmen

Versus

The D.R.M.,
Central Railway,
Jhansi.

Management

AWARD

Passed on this 4th day of January, 2007

1. The Government of India, Ministry of Labour vide its Notification No.L-41011/42/95-IR(B) dated 21-1-97 has referred the following dispute for adjudication by this tribunal:

"Whether action of the DRM, Central Railway, Jhansi, MP (management) in terminating the services of Shri Ram Sewar S/o Shri Tikaram, Shri Nand Kishore S/o Late Shri Ramcharan and Shri Omprakash S/o Shri Devi Prasad, monthly rated casual labour with effect from 22-7-91 and not regularising their services are justified. If not, what relief these workmen concerned are entitled?"

2. After the reference order was received, it was duly registered on 27-1-97 and notices were issued to the parties to file their respective statements of claim. In spite of sufficient service of notice on them, the workmen failed to put in appearance and filed statements of claim. Therefore the reference proceeded ex parte against the workmen vide order dated 20-7-05. Thereafter the management was awarded four opportunities to file their Written Statement but ultimately on 2-1-07, the date fixed for filing WS by the management nobody responded for the parties and under the above circumstances, this tribunal was left with no option but to close the reference for award. Consequently the reference was closed for award.

3. It appears from the above that the parties have no interest in the industrial dispute. Under the circumstances, it shall be just and proper to pass no dispute award in this case.

4. In view of the above, no dispute award is passed without any order as to costs.

5. The copy of award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 17 जनवरी, 2007

का.आ. 413.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बैंगलोर के पंचाट (संदर्भ संख्या 58/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-1-2007 को प्राप्त हुआ था।

[सं. एल-12012/141/2001-आई आर (बी.-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 17th January, 2007

S.O. 413.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 58/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure, in the Industrial Dispute between the management of Syndicate Bank, and their workmen, received by the Central Government on 16-1-2007.

[No. L-12012/141/2001-IR (B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated: 9th January, 2007

PRESENT

Shri A. R. Siddiqui, Presiding Officer

C.R. No. 58/2002

I Party

Smt. K. S. Sabitha
W/o Shri Sadanand R. S.
Nisarga. No. 189, 8th Main
Shakti Ganapathinagar,
Basaveshwaranagar,
BANGALORE-560079

II Party

The General Manager (P),
Syndicate Bank,
Head Office,
MANIPAL
KARNATKA STATE.

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute *vide* order No. L-12012/141/2001-IR (B-II), dated 23rd October, 2002 on the following schedule :

SCHEDULE

"Whether the action of Syndicate Bank is justified in dismissing the services of Smt. K.S. Sabitha,

Clerk w.e.f. 27-2-1999 on the grounds of 'doing acts prejudicial to the interest of the bank' under Clause No.19.5 (j) of Bipartite Settlement? If not, what relief the said worker is entitled to?"

2. A chargesheet dated 6-12-1997 came to be issued to the first party workman in the following terms :

"It is alleged against you as under :—

That you have been working as a Clerk at our Indiranagar branch, Bangalore and while working in your position as such, on 27-11-1997 at about 8.45 AM when you were signing the attendance register, you had an altercation with Sri S. Sridhar, Sub-Manager of the branch. Later at about 9.10 AM you left the branch and rushed outside to make a telephone call to your husband. Sometime later, at about 9.30 AM your husband Shri B. S. Sadananda, came to the branch and entered the Manager's cabin and wanted to discuss about the altercation between you and the Sub-Manager. Your husband was in an agitated mood, obviously because of your instigation. The branch manager wanted to diffuse the situation by calling yourself, your department officer, Smt. Bhuvaneshwari Krishnan and the Sub Manager, Shri S. Sridhar to her cabin. Instead of discussing the matter with the concerned, your husband without any provocation, physically assaulted Shri S. Sridhar, Sub Manager who was sitting next to him in the Manager's cabin in the presence of the Branch Manager, yourself and Smt. Bhuvaneshwari Krishnan. With the result, Shri S. Sridhar fell down from his chair and had to interfere to help Shri Sridhar and stop your husband from further assaulting Shri S. Sridhar. Thus, because of your instigation, your husband came to the branch and assaulted Shri Sridhar, Sub-Manager while on duty inside the Manager's cabin during office hours, which disrupted the routine function of the branch and customer service and also created a tense atmosphere in the branch.

It is also alleged that when your husband physically assaulted Shri S. Sridhar as above, you did not make any effort to stop him and pacify him and instead, you were just a spectator to the incident. Your above acts in instigating your husband to cause physical assault on our officer while on duty inside the office premises, is a matter of grave concerns and is an act prejudicial to the interest of the Bank and amounts to Gross Misconduct under the provisions of the Bipartite Settlement.

We, therefore, charge you for commission of Gross Misconduct of "doing acts prejudicial to the interest of the Bank" *vide* clause No.19.5 (j) of the Bipartite Settlement.

You are hereby required to submit your explanation to the above charge within 15 days from the date of receipt of this chargesheet, failing which, the matter will be proceeded with further.

Your above acts has caused considerable damage to the good image of the Bank and your continued presence in the Branch will further damage the image of the Bank in the eyes of the public and is detrimental to the safety of the staff members. Therefore, you are hereby placed under suspension with immediate effect, pending enquiry or initiation of such enquiry in the above matter, vide Clause No. 19. 12(b) of the Bipartite Settlement.”

3. The explanation offered by the first party workman while denying the charges of misconduct levelled against her in the chargesheet not being found satisfactory, the management conducted Domestic Enquiry against the first party and on the basis of the findings of the enquiry officer holding her guilty of the charges as levelled in the charge sheet, further proceedings were taken by the management and ultimately she was dismissed from service w.e.f. 27-02-1999.

4. The first party workman by way of her Claim Statement before this tribunal challenged the enquiry proceedings conducted against her on the ground that they were conducted in violation of principles of natural justice denying her fair and reasonable opportunity and that her request to engage a lawyer was also turned down prejudicing her defence. She also challenged the enquiry findings stating that they suffered from perversity and that they were the findings prepared by a person who had decided to give such findings against her by hook and crook. The first party also challenged the dismissal order as bad due to non application of mind to the entire facts and circumstances of the case and the punishment of dismissal imposed on her was highly disproportionate to the alleged misconduct and that there was an act of unfair labour practice by the management against her.

5. The management by its Counter Statement however, asserted and maintained that on account of the incident taken place on 27-11-1997, a chargesheet dated 6-12-1997 was issued to the first party and her explanation to the chargesheet not being found satisfactory, a DE was ordered and conducted against her resulting into the findings of the enquiry officer holding her guilty of the charges of misconduct alleged in the chargesheet and thereupon she was furnished with copy of the findings, was afforded an opportunity of personal hearing and then the proposed punishment of dismissal was confirmed by the impugned punishment order and that keeping in view the gravity of the misconduct, punishment of dismissal passed against the first party was quite proper and proportionate and in the result reference on hand is liable to be dismissed.

6. Keeping in view the respective contentions of the parties with regard to the validity and fairness of the enquiry proceedings, my learned predecessor in the first instance took up the above said question as a Preliminary Issue and by his order dated 26-3-2003 recorded a finding

on the abovesaid issue to the effect that the Domestic Enquiry conducted against the first party by the management is not fair and proper. It is thereafter the management examined 4 witnesses as MW2 to MW5 and got marked 7 documents at Ex.M8 to M14 to prove the charges of misconduct levelled against the first party. The first party as a rebuttal filed her affidavit evidence and was cross-examined on behalf of the management.

7. MW2 is the then Branch Manager to speak to the fact that on 27-11-1997 while she was in her cabin she saw the first party crying and going outside the branch. Then she called Smt. Bhuvaneshwari Krishnan who was working as officer (Advances), enquired about the matter to come to know that there was some altercations between the first party and the Sub-Manager namely, Shri K. Sridhar on account of first party debiting loan instalment in the accounts of said Sridhar and to that Sridhar questioning her as to why she debited the amount in his account when he had already paid loan in lump sum. She also stated that the first party had questioned his authority not being her superior and to that Sridhar told her that he has got controlling authority as a Sub-Manager to question her about the debits and credit not supposed to have been done. Then, the first party appears to have been up set, went to upstairs of the branch to narrate the incident to said Smt. Bhuvaneshwari (MW3) and told her that she is going out to make a phone call to her husband and went outside the branch crying. Then MW2 has spoken to the fact that she thereafter called Mr. Sridhar and the first party who came back after giving telephone message to her husband. Thereafter MW2 has given her statement with regard to the incident alleged in the chargesheet.

8. MW3 is the said Smt. Bhuvaneshwari Krishnan who once again has spoken to the facts narrating the incident rather the altercation taken place between the first party and Mr. Sridhar on the abovesaid date to MW2 and thereupon said to have been present in the Cabin of MW2 when the incident on hand took place. These two witnesses who were examined for the management have not been produced subsequently before this tribunal subjecting them to the cross examination and in the result there was no cross examination to them and on behalf of the first party.

9. MW4, said to be working in the bank as a Clerk in the Current Account Section as on the date incident took place. His statement in examination chief in brief is that on 27-11-1997 after about half an hour of the starting of the banking hours, he happened to hear noise from the cabin of MW2 and went inside the cabin to find out the truth and at that time he could find that some person was catching hold of the shirt collar of Mr. Sridhar and bringing him down to the ground and later he came to know that said person was the husband of the first party. He further stated that he and other staff members had separated both of

them from each other and at that time the first party was present in the Cabin. In his cross examination he denied the suggestion that he was not the witness to the incident of assault to Mr. Sridhar by the husband of the first party putting down Mr. Sridhar by bringing him down with shirt collar when that time he had gone to the chambers of the Manager (MW2). He however, stated that he has not seen what happened between Sridhar and first party's husband earlier to that incident. It was elicited that he has not observed if first party was crying at that time. He denied the suggestion that he is giving false evidence at the instance of Mr. Sridhar.

10. MW5, is the said Sridhar, the then sub-manager said to have been working with the branch in question at the relevant point of time. His statement in examination chief relevant for the purpose is that at about 9 AM i.e. at the beginning hours of the branch on 27-11-1997, he had questioned the first party as to why she debited his loan installment amount against his salary when he had already paid the loan amount in lumpsum and to that she questioned his authority and then she left the desk and thereafter he was doing his work as usual. He stated that at about 9.40 or 9.45 AM, MW2 called him to her chamber and when he went there he saw the husband of the first party sitting in front of MW2 & MW3 standing in the chamber. He was introduced to the husband of the first party by MW2 and sat down by his side. He stated that husband of the first party appeared to be in agitated mood and he questioned him as to what he has done. He then asked him (first party's husband) as to what he has done. By that time first party also came inside the chamber being called by MW2. He stated that in the meantime MW2 received the phone call and while she was attending it, husband of the first party caught hold of his shirt collar and pushed him towards the ground. The leg of the chair slipped and he came to the ground not being allowed to get up and in the process his left hand thumb got struck to the ground under the chair leg and at that time staff in the bank rushed to the chamber of MW2 and separated him from the clutches of the husband of the first party. He further stated that the first party who was all along in the chambers made no attempt to prevent her husband from assaulting him being a silent spectator. He then gave a complaint to MW2 marked at EX.M11 and he filed a police complaint marked at EX.M12. In his cross-examination it was elicited that attendance register was on his table when the first party approached to sign it and he had questioned her about the debit entry. He denied the suggestion that when the first party came to sign the attendance register he caught hold of her saree and abused her as a bitch and then made advances towards her and to that she ran out of his chamber, crying. He also denied the suggestion that in the chamber of MW2 he abused the husband of the first party asserting the bossism being protested by him. He denied the suggestion that on that day he got wild and lost control over his body and in

the meantime staff members came inside and pacified the matter.

11. The first party as noted above, filed her affidavit by way of examination chief and her statement relevant for the purpose is that on 27-11-1997 at about 8.45 AM she initialed in the attendance register kept on the table of Sridhar and to her shock and surprise at that moment he started abusing her with filthy words not to be repeated by her and shouted at her saying who authorized her to make credit entry to his account in the loan ledger despite he is paying the loan amount substantially. She politely told him it is her duty to make necessary entries looking into the credit slips and that she has not committed any fault. He (Sridhar) got wild and tried to catch hold of her and caught her saree for which she resisted and some how managed to escape. He tried to follow her but luckily she came to her place of work on the stairs and could not control herself by crying. She reported this incident to Smt. Bhuvaneshwari who in turn reported the matter to Smt. Shyamala(MW2) but no action was taken against Shri Sridhar. She tried to inform her husband on phone but could not talk to him as he was not available at the home. In the meanwhile a customer entered the bank for banking transaction and to her good luck he happened to be her husband himself. He saw her crying in the manager's cabin and came to enquire her and she told him as to what had happened. Then Sridhar was called by the Manager and came to the chamber along with Smt. Bhuvaneshwari. Her husband was introduced to Sridhar by MW2 and he asked Sridhar (MW5) as to why he misbehaved with her and that he is getting complaints against him since 10 days and as to whether he has got any family and children or not. Sridhar got wild and started browbeating her husband challenging his authority to question him. Her husband shouted at him and Sridhar got angry and attempted to assault her husband by holding his shirt. She requested them not to aggravate the situation and at that moment in the fits of anger Sridhar lost balance and her husband simply avoided Sridhar assaulting him by moving aside and Sridhar was about to fall on the ground by losing his balance. It is at that time her husband tried to hold him to prevent from falling. She was only present at that time in the Cabin. Thereafter, the other employees of the bank rushed inside the cabin and without understanding as to what has happened started assaulting her husband. Somehow her husband managed to go out of the bank premises and took treatment in the hospital. In fact Sridhar besides having misbehaved with her, aggravated the situation and created a scene by attempting to assault her husband. She prepared a complaint on that day itself but the manager asked her not to worry assuring action against Sridhar and returned her complaint asking her to file police complaint. Having felt cheated she gave complaint to the police in the evening of 27-11-1997 and again gave further complaint on 18-12-1997, as on her earlier complaint FIR was not issued.

In her cross examination her explanation to the charge sheet at Ex.M13 was marked along with her statement made to DGM during the course of enquiry at Ex.M14. Her complaint to the police and FIR were also marked at Ex.M14 (a) series. She denied the suggestion that Sridhar did not try to catch hold of her holding her saree. When asked as to whether she mentioned this fact in the complaint she went through the complaint and pointed out that there is no mention of this fact. It was elicited that her husband did not file any complaint against Sridhar or against any of the bank officials. She was unable to say if her husband had come to the branch on that day to operate his account and denied the suggestion that her claim against the management is false.

12. Learned, counsel for the management, Shri RU argued that the incident of assault which took place in the chambers of MW2, the then branch Manager in between the then Assistant Manager and Mr. Sadanand, the husband of first party as such not only has been proved in the oral evidence and the documents produced by the management but also is the fact admitted by the first party herself and by way of suggestions made to the management witnesses in their cross examination on behalf of the first party. He submitted that the fact that first party after the alleged verbal exchanges between herself and Sridhar went outside the bank office and telephoned to her husband and that thereafter her husband came to the chambers of MW2 giving rise to the incident in question has also been very much proved, though belatedly, as an after thought, the first party took a stand that though she contacted her husband on phone but could not talk to him as he was not available at home. Therefore, learned counsel submitted that it is at the instigation of the first party, her husband came to the cabin of MW2 and it is in the presence of MW2,3 &4 he assaulted Sridhar catching hold of his shirt collar and then putting him on the ground by force and therefore, it cannot be said that the first party is not responsible for the incident in question and therefore, there was no act prejudicial to the interest of the bank committed by her. He argued that acquittal of Sadanand by the Criminal Court on the complaint filed by Sridhar with the police giving benefits of doubt that too on the charges different from the charges of misconduct levelled against the first party for the purpose of disciplinary action cannot be a ground to suggest that Sadananda did not assault Sridhar as alleged in the charge sheet particularly, when the statement of Sridhar (MW5) has remained to be unshaken and has been corroborated by the statement of MW4 and so also by the testimony of MW2 &3. He contended that the defence taken by the first party that it is Sridhar who assaulted her husband is to be rejected on its face itself as undisputedly, Sridhar did not file any complaint either with the bank authorities or with the police nor any complaint as such was lodged with the police or with the bank authorities by the first party immediately after the incident

or within a reasonable time. He contended that she infact lodged a complaint to the police after about 23 days from the date of the incident just as a counter blast to the police complaint filed by Mr. Sridhar.

13. Whereas, learned counsel for the first party Shri N.G. Phadke vehemently argued that the allegations of the management that the first party phoned to her husband and instigated him to visit the bank and then to assault Sridhar, have not at all been proved as first party though tried to make a call to her husband about the misbehaviour to her by Sridhar but could not contact him because of his non availability and that her husband came to the bank on his own to operate his own account and there he came to know about the alleged misbehaviour to the first party by Sridhar and then met MW2 to enquire into the matter and it is Sridhar infact assaulted the husband of the first party and not *vice versa*. He submitted that though the oral testimony of MW2 &3 is not to be acted as they have not been subjected to cross examination but it can be perused for limited purpose to see that the defence put forth by the first party is not without any truth. He took support of the statement of MW2 saying that Sadananda came to her chamber within 5 minutes of her calling Sridhar and the first party was in her chamber and that goes to suggest that Sadananda did not come to the bank in response to the phone call made by the first party. He also relied upon the judgment of criminal court in support of his argument that a false complaint was made by Sridhar against Sadananda which resulted into his acquittal.

14. After having gone through the evidence brought on record, I do not find substance in the arguments advanced for the first party. The fact that after the alleged verbal exchanges between the first party and Sridhar, the first party went outside the bank to give a phone call to her husband infact has been admitted by the first party herself and so also in the oral testimony of MW2 &3 if their testimonies to be considered for a limited purpose. Her defence that though she made an attempt to give a phone call but could not get her husband on phone certainly appears to be an after thought and a make believe story to counter blast the case of the management. At para 2 of the Claim Statement the first party has come out with the version that when she was ill-treated and abused by Sridhar she was made to cry and was deeply hurt and she informed the same to her husband. Therefore, in the face of this statement of first party in her own claim statement, it is now too much for her to turn around and to say that she did not intimate her husband about the alleged misbehaviour to her by Sridhar. Only because her husband arrived at bank within 5 minutes of Sridhar going inside the chamber of MW2 cannot be a circumstance sufficient to say that she did not talk to her husband on phone. It may be that her husband was nearby the bank itself and came

to the chamber of MW2 immediately after the first party and Sridhar were called there. There was a serious attempt made on behalf of the first party to make out a case that she in fact was misbehaved by Sridhar not just by asking her as to why she made certain debit entries into his account but Sridhar abused her in filthy words and then caught hold of her saree and made advances to her and she somehow escaped from his clutches. This defence story for the first time was put forth in cross-examination of MW5 and then in her affidavit on merits of the case and no such story either has been found mention in her claim statement, in her explanation to the chargesheet, nor in the alleged police complaint she made with the police on 18-12-1997. There may be some truth in the contention of the defence that she was deeply hurt and upset on account of misbehaviour of Sridhar when she made certain debit entries into his account with regard to the loan dues but to say that he misbehaved with the first party catching hold of her saree and making advances to her so as to assault her etc. is too much to be believed. It may be that the first party having taken the harsh words of Sridhar to be very serious and as it has come in the evidence of MW2 & 3 she was found crying while going outside the bank to make a phone call but as argued for the management that should not have been the reasons sufficient for the first party to have intimated about this fact to her husband outsider to the bank thereby making him to come to the bank and then to give rise to the incident taken place in the chambers of MW2. If really the feelings of first party were hurt and she was upset to the extent that she was to cry and weep then the natural conduct rather the proper recourse available to her was to make a complaint against Sridhar to her higher authority namely, the Branch Manager who by chance happened to be of her tribe. Her statement that she has made such a complaint to MW2 but was not entertained cannot be accepted on her face itself, as the Branch Manager herself being a lady officer could not have ignored her complaint if really she was misbehaved by Sridhar in the manner alleged by her. In fact, MW2 in order to set right the confusion or the bitter feelings arose on account of Sridhar questioning the first party about the above said loan entry, she called both Sridhar and first party into her chambers and was trying her best to see the matter was closed at that level itself. Unfortunately, as has come in evidence, Sadananda, the husband of the first party in response to the phone call made by her dashes to the chamber of MW2 where Sridhar was already sitting before her. In the words of first party herself, her husband shouted against Sridhar and therefore, she cannot be allowed to say that her husband was not at fault. As has come in the cross-examination for the first party made to MW5 and further corroborated by the statement of MW4 it is Sadananda who caught hold shirt collar of Sridhar and put him on the ground by force. One cannot brush aside the statement of Sridhar (MW5) when it was supported by his police complaint about the incident in question. On the

other hand the defence theory that it is Sadananda who was assaulted by Sridhar must fail for the simple reason that Sadananda did not make any complaint either to the bank authorities or to the police about the alleged assault to him by Sridhar or by the other staff members of the bank as stated by the first party in her affidavit. It was rightly argued for the management that the first party filed her police complaint on 18-12-1997 i.e. after a gap of 23 days just as a counter blast to the police complaint filed by Sridhar. Her statement that she has also made a police complaint on the date of the incident itself but FIR was not issued is again appears to be an after thought story. The contention of the first party that there is no evidence so as to suggest that she instigated her husband and in the result the incident took place, as already noted above, cannot be accepted without a pinch of salt. As noted above, in her own admissions in the claim statement before this Tribunal she intimated her husband about the ill treatment meted out to her by Sridhar. It may be that she did not in fact intend that her husband should not assault Sridhar but it is unfortunate to note that when her husband dashed into the chamber of MW2 and shouted against Sridhar and when Sridhar retorted he lost his control and assaulted him which fact as noted above, has been proved in the testimony of Sridhar himself and in the statement of MW4 the other staff member. Therefore, by no stretch of imagination it can be said that the incident in question was not at the result of the instigation made by first party to her husband and that incident did not bring bad name to the reputation of the management bank. This act on the part of the first party certainly was prejudicial to the interest of the bank. The contention of the learned counsel for the first party that there has been no sufficient and legal evidence to prove the fact of instigation does not deserve to be considered in the face of the statement of said Sridhar corroborated by the bank staff MW4 leaving aside even the oral testimony of MW2 & 3 as they were not subjected to cross-examination. Therefore, in the light of the above, there is no hesitation in the mind of this Tribunal to come to the conclusion that charges of misconduct leveled against the first party in the charge sheet have been proved by sufficient and legal evidence beyond reasonable doubt, if not, beyond any shadow of doubt.

15. Now coming to the question of punishment, keeping in view the facts and circumstances of the case, the nature of the misconduct alleged against the first party and the role played by her giving rise to the incident in question and being mute spectator when the unfortunate incident took place in the chamber of MW2, it appears to me that ends of justice will be met if she is ordered to be reinstated in service withholding her three annual increments with cumulative effect and denying her the back wages from the date of her dismissal till the date of her reinstatement in service however, with continuity of service and other attended benefits. Hence the following award is passed :

AWARD

The management is directed to reinstate the first party workman in service withholding her three annual increments with cumulative effect from the date of dismissal order without any back wages from the date of dismissal order till the date of reinstatement however, with continuity of service and other service benefits.

(Dictated to PA transcribed by her corrected and signed by me on 9th January, 2007)

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 17 जनवरी, 2007

का.आ. 414.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या 20/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-1-2007 को प्राप्त हुआ था।

[सं. एल-12011/222/2003-आई आर (बी.-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 17th January, 2007

S.O. 414.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 20/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure, in the Industrial Dispute between the management of Syndicate Bank, and their workmen, which was received by the Central Government on 16-1-2007.

[No. L-12011/222/2003-IR (B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW****PRESENT**

SHRIKANT SHUKLA, Presiding Officer

I. D. No. 20/2004

Ref. No. L-12011/222/2003-IR (B-II)

Dt. 30-1-2004

Between

The Asstt. General Secretary UP Bank Empls. Union, 426, W-2, Basant Vihar Kanpur (U.P.) 208021

And

The Regional Manager Syndicate Bank M. G. Road Lucknow-226001.

AWARD

The Government of India, Ministry of Labour referred the following dispute No. L-12011/222/2003-IR (B-II) dated 30-1-2004 for adjudication to the Presiding Officer, CGIT-cum-Labour Court, Lucknow;

“Whether the action of the management of Syndicate Bank, Lucknow in Imposing the penalty of Reduction in Basic Pay by one Statge on Sri Anil Kumar Srivastava through punishment order No. 4/PDRD/(W)/DA-6 dt. 27-11-2001 is legal and justified ? If not, what relief the concerned workman is entitled to ?”

Worker filed the statement of claim and the opposite party filed the written statment but today the worker turned up and stated that he does not want to press his claim.

Heard the learned representatives Sri T. B. Singh and Sri Vinay Shankar for the parties since the worker has stated that he does not press the statement of claim and wants to withdraw his case and says that he will not resposued the matter for adjudication. In the circumstances no claim award is passed.

Lucknow

5-1-2007.

SHRIKANT SHUKLA, Presiding Officer

नई दिल्ली, 17 जनवरी, 2007

का.आ. 415.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बैंगलोर के पंचाट (संदर्भ संख्या 2/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-1-2007 को प्राप्त हुआ था।

[सं. एल-12011/233/2000-आई आर (बी.-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 17th January, 2007

S.O. 415.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 2/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure, in the Industrial Dispute between the management of Syndicate Bank, and their workmen, which was received by the Central Government on 16-1-2007.

[No. L-12011/233/2000-IR (B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated: 2nd January 2007

PRESENT

Shri A. R. Siddiqui, Presiding Officer

C.R. No. 2/2001

I Party

The General Secretary,
 Syndicate Bank Staff Asson,
 Anand Plaza,
 2nd Floor, Near Anand Rao.
 Circle,
 Bangalore-560009
 Karnataka State

II Party

The General Manager (P),
 Syndicate Bank,
 Head Office,
 P.B. No. 1,
 Manipal-576119
 Karnataka State.

APPEARANCES

1st Party : Shri V.S. Naik,
 Advocate
 2nd Party : Shri Ramesh Upadhyaya,
 Advocate

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-12011/233/2000-IR (B-II) dated 12th/16th January, 2001 for adjudication on the following schedule :

SCHEDULE

"Whether the M/s. Syndicate Bank is justified in dismissing Mrs. Leela P. Wadhvani, former Clerk of Maruthi Sevanagar Branch, Bangalore from service ? If not, to what relief the workman is entitled to ?"

2. A charge sheet dated 9-3-1999 was issued to the first party workman by the management bank in the following terms:—

This is on record that, you were issued with a transfer order vide Memorandum No. ZOB/PAC/STO/0361/231624, dated 03-06-1998 transferring you to our Mudhol branch. The said Memorandum issued by Personnel Cell(W), Zonal Office, Bangalore, informed you that your transfer to Mudhol branch is under Rotational transfer 1998 and as per Circular No. PAC/Zon/930 dated 2-6-1998 and that you stand relieved at the close of office hours on 13-06-1998, if not relieved earlier. In accordance with the said Memorandum, you were relieved from our Maruthi Sevanagar branch, Bangalore on 13-6-1998 after office hours vide the Branch letter dated 13-06-1998.

(I) It is alleged against you that, after your relief from Maruthi Sevanagar branch, Bangalore, you did not report for duty at our Mudhol branch. Further, you remained absent without

information and without proper sanction of leave. Regional office, Bijapur vide their letter NO.3871/0829/0837/738 dated 17-08-1998, informed you that, since you have failed to report for duty at Mudhol branch, your such absence from 14-06-1998 onwards is treated as unauthorized. Your continuous absence as above has affected the smooth functioning of the branch as well as customer service.

The above act on your part is highly objectionable and amounts to misconduct under the provisions of the Bipartite Settlement. You are, therefore, 'eharged with the commission of Gross Misconduct of "doing acts prejudicial to the interest of the bank", vide Clause No.19.5(j) of the Bipartite Settlement.

(II) It is also alleged against you that, subsequent to your relief from Maruthi Sevanagar branch, Bangalore, on 13-06-1998, when you did not report for duty at Mudhol branch, Personnel Cell (W), Zonal Office, Bangalore vide their letter Nos. PAC/ZOB/2147 dated 5-8-1998, PAC/ZOB/RT/3914 dated 28-10-1998, PAC/ZOB/5130 dated 17-12-1998 and PAC/ZOB/5539 dated 14-01-1999, advised you to report for duty at Mudhol branch immediately on receipt of the above said letters. It was also made clear in all the above said letters that, if you fail to report for duty, the matter will be viewed seriously and disciplinary action would be initiated.

Thus, inspite of several opportunities extended to you, you did not heed to the advise/instructions of your higher authorities and it is reported that, you have not reported for duty at our Mudhol branch till date.

The above act on your part is highly objectionable and amounts to Gross Misconduct of "Wilful insubordination or disobedience of any lawful or reasonable orders of the Management" vide Clause No.19.5(e) of the Bipartite Settlement.

You are required to submit your explanation, if any, to this charge sheet, within 15 days of its receipt."

3. The explanation offered by the first party workman to the charge sheet not being found satisfactory, the management ordered Domestic Enquiry against her and on the culmination of the Domestic Enquiry proceedings, based on the findings of the enquiry officer holding the workman guilty of the charges, she was dismissed from service.

4. The first party workman by her Claim Statement in the first instance challenged the enquiry proceedings on various grounds as opposed to the principles of natural justice and then challenged the enquiry findings as

perverse and arbitrary and also challenged the dismissal order as unjust and illegal requesting this tribunal to pass an award on her favour setting aside the dismissal order.

5. The management by its Counter Statement on the other hand challenged the various grounds urged by the first party workman in attacking the enquiry proceedings by contending that she was afforded sufficient and reasonable opportunity to attend and participate in the proceedings and that findings of the enquiry officer were very much based upon sufficient and legal evidence and that dismissal order passed against her was legally justified.

6. Keeping in view the respective contentions of the parties, this tribunal in the first instance took up the matter for trial, the question as to whether the DE conducted against the first party by the management is fair and proper. During the course of trial of the said issue the management examined the enquiry officer as MW1 and got marked 4 documents at Ex.M1 to M4 including the enquiry proceedings and the enquiry report. The first party also filed her affidavit by way of examination chief and got marked one document at Ex.W1 i.e. her representation dated 22-10-1999 to the DGM for reopening of the enquiry.

7. After having heard the Learned Counsels for the respective parties, this tribunal by order dated 17-7-2006 recorded a finding to the effect that the DE conducted against the first party by the Second Party is fair and proper. Thereafter the matter came to be posted to hear the arguments on merits so to say on the alleged perversity of the findings and the quantum of the punishment. As far as the question of the alleged perversity of the findings is concerned, the contention of the first party at Para 1 (b) under heading "Grounds" of the Claim Statement is that the enquiry report is one sided and findings are perverse; she could not report for duty at the transferee branch in view of her ill health and she was regularly sending the leave applications along with the medical certificates for sanction of leave; that she was suffering from "Serum Hepatitis" and biochemistry reports, medical certificates, various prescriptions and discharge summary from hospital conclusive prove that she was under prolonged treatment and was not in a position to report duty owing to her ill health. She was also promptly replying all the letters received from the management in connection with her absence; that the management would have subjected her for medical examination by the Panel of Doctors and the fact that she was not subjected to such test will go to suggest that management was fully convinced about the genuineness of the case of the first party. At Para 1 (c), the first party contended that she served with the management bank at various places for more than 22 years including the place like Trivandrum and at no time there was an incident of willful insubordination or disobedience on her part in her entire service. At Para 2, the first party contended that the enquiry officer and the disciplinary authority were only concerned whether there was willful insubordination and an act by her, prejudicially, affecting the interest of the

bank and all other matters having no bearing on these two charges were superfluous and extraneous for deciding the issues involved. She contended that in the absence of any material on record to prove these charges the management was not justified in holding that there was no violation of 'rotational transfer policy' and that the first party was guilty of the charge.

8. The management by its Counter Statement however, contended that the report of the enquiry officer was neither one sided nor his findings are perverse. The false version of the first party falling sick and the nature of the sickness varies from court to court. In her Writ Petition before the Hon'ble High Court she claimed to be 'Asthmatic' patient and before this tribunal her sickness is "Serum Hepatitis". Moreover, the Hon'ble High Court of Karnataka dismissed the writ petition of the first party observing that no material has been placed before it to substantiate the ground of sickness and even if she suffered from 'Asthma' as she claimed, the place, Mudhol of which branch she was transferred cannot be said to have lacked the adequate medical facilities. The management contended that as far as medical examination to be undergone for any employee by the Panel Doctors is concerned, it is for the management to decide as to which case should be referred to the medical board. The management contended that the fact that first party worked at various places out of Bangalore including the place like Trivandrum goes to suggest that she was healthy, not suffering from any sickness and that her story of sickness is cooked up to avoid the lawful transfer order of the management. The management contended that the first party owes some duties and responsibilities towards the management bank to promote the business of the bank and that she should have reported for duty at the place she was transferred before making any representation. However, she is trying desperately to find fault with the management by colouring her illegal act of showing insubordination to the lawful transfer orders with that of purported ill health. As far as the prejudice to be caused to the management bank, it is for the management to decide as to whether non reporting of duty is prejudicial to the interest of the bank or not. Therefore, the management ultimately requested this tribunal to reject the reference. In the last the management contended that keeping in view the gravity of the misconduct committed by the first party, dismissal order passed against her was legal and justified not to be interfered at the hands of this tribunal.

9. Now therefore, in the face of the finding of this tribunal to effect that the DE conducted against the first party by the management is fair and proper, the only question now to be dealt with will be as to whether the findings of the enquiry officer suffered from any perversity and if not, whether the dismissal order passed against the first party is legal and justified and proportionate to the gravity of the misconduct committed by her.

10. Learned counsel Shri V.S.Naik representing the first party, vehemently, argued that the past records of the first party is the proof to suggest that she was rendering her duties honestly and diligently without giving any room for complaint to the management and that the trouble, rather, the problem started when the first party was transferred to Mudhol branch of the management and when she could not report for duty at the said branch on account of her ill health. He submitted that it was a case of absence from duty for a period of 195 days in the tenure of 22 years service and since the alleged misconduct did not involve moral turpitude she did not deserve the extreme punishment of dismissal and therefore, this tribunal in exercising its discretionary powers under Section 11A of the IDAct can set aside the dismissal order replacing it by some minor punishment. Learned Counsel for the first party however, did not advance his arguments on the point that enquiry findings suffered from any perversity.

11. Whereas, learned counsel or the management supported the findings of the enquiry officer which in turn was supported by sufficient and legal oral and documentary evidence. His contention was that the first party since the date of transfer order, avoided to join duty at transferee branch on the pretext of not keeping well and that the management did not follow the transfer policy and she went to the extent of challenging the transfer order before the Hon'ble High Court by way of Writ Petition and when her writ petition was dismissed she also unsuccessfully challenged the orders of the Hon'ble High Court in the Writ Appeal and failed to join the duty even after dismissal of the appeal and that goes to suggest that the first party wilfully disobeyed the transfer orders and remained absent from duty unauthorisedly so as to frustrate the transfer order passed against her. Therefore, he submitted that the first party in remaining absent from duty and not joining duty at the transferee branch stayed away from duty unauthorisedly for a period of 195 days, while, availing 540 days of sick leave and 537 days of EOL on LOP earlier to that. Therefore, learned counsel submitted that the case on hand being a case of wilful insubordination and intentional unauthorized absence, the first party did not deserve any other punishment except the punishment of dismissal having lost confidence to the management bank.

12. After, having gone through the records, as far as proof of the charges of misconduct against the first party workman is concerned, I must be agree to the findings of the enquiry officer being supported by sufficient and legal oral and documentary evidence. As could be read from the enquiry report, the management examined one Mr. H.R. Bhat, an officer of the Personnel Cell, Zonal Office, Bangalore as MW1 and in his deposition got marked 11 documents at EX.MEX 1 to 11. Based on the aforesaid statement of MW1 and the aforesaid documents and after having appreciated the defence put forth by the first party, the learned enquiry officer in my opinion has rightly come

to the conclusion that the charges of misconduct levelled against the first party have been substantiated by sufficient and legal evidence. That apart, as noted above, the first party challenged the above said transfer order by way of Writ Petition bearing No.36708/08 solely on the two grounds i.e. the transfer order was in violation of the "rotational transfer policy" and that she was an Asthmatic patient incapable of serving at any place outside Bangalore. His Lordship of Hon'ble High Court dismissed the writ petition observing that her transfer to Mudhol branch was not against the above said 'rotational transfer policy' and that her grievance that she suffered from Asthma was not deserving any consideration as the place Mudhol being a Taluk headquarter had medical facilities from the point of view of the first party's health, now it is on the very same ground the first party has challenged the dismissal order passed against her before this tribunal. Therefore, in my opinion no further reasonings are necessary to be assigned by this tribunal to reject the contentions of the first party that the transfer order passed against her was bad in law or that her absence from duty was on account of ill health. On these two points the learned enquiry officer also has analysed in length the oral and documentary evidence brought on record and has rightly come to the conclusion that the first party in not joining the duty at transferee branch committed wilful insubordination and that her absence from duty all along from the date of transfer till the date he submitted his findings and that her unauthorized absence is prejudicial to the interest of the management bank. As, noted above, learned counsel for the first party has also not pointed out any legal or factual infirmities so as to suggest that findings of the enquiry officer suffered from perversity. His only submission was that having regard to the past excellent service of the first party all along for a period of about 22 years giving no scope for complaint to the management till she was transferred to Mudhol branch, that too, on the ground of ill health and in view of the fact that the alleged misconduct involved no moral turpitude, a severe punishment of dismissal passed against her was not proportionate and in commensurate to the gravity of the misconduct. As argued for the management the charge of misconduct of wilful insubordination certainly was grave in nature affecting the interest of the management bank. The first party was not supposed to serve the management bank on her terms. As noted above, not only the first party challenged the transfer order but also the orders of the Hon'ble High Court on the Writ Petition going against her. She failed in the writ appeal also but was all along adamant in not reporting for duty even after she failed before the Hon'ble High Court, ultimately. As contended by the management the proper recourse available to the first party would have been in the first instance to have joined the duty to the transferee branch in obedience to the transfer offers and then to have made representation to the management bank if really she suffered from any serious disease and found no adequate

medical facilities at the place she was transferred. Therefore, the conduct of the first party in my opinion does not deserve any sympathy or leniency from the hands of this tribunal. However, keeping in view the length of unblemished service she rendered with the management bank and the fact that the misconduct proved against her did not involve any moral turpitude, it appears to me that ends of justice will be met if dismissal order passed against the first party is converted into order retiring her from service compulsorily. Hence the following award.

AWARD

The dismissal order passed against the first party is hereby modified by the order compulsorily retiring the first party from services. No costs.

(Dictated to PA transcribed by her corrected and signed by me on 2nd January, 2007)

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 17 जनवरी, 2007

का.आ. 416.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विजया बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अर्नाकुलम के पंचाट (संदर्भ संख्या 176/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-1-2007 को प्राप्त हुआ था।

[सं. एल-12012/208/98-आई आर (बी.-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 17th January, 2007

S.O. 416.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 176/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam as shown in the Annexure, in the Industrial Dispute between the management of Vijaya Bank, and their workmen, which was received by the Central Government on 16-1-2007.

[No. L-12012/208/1998-IR (B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

PRESENT:

Shri P. L. Norbert, B.A., L.L.B., Presiding Officer

(Monday the 8th day of January, 2007/18th Pausa, 1928)

I. D. 176/2006

(I. D. 8/99 of Labour Court, Ernakulam)

Workman

The Vice President,
Vijaya Bank Workers'
Organisation Vijaya Bank
Broadway
Ernakulam.

Adv. Shri C. Anil Kumar.

Management

The Regional Manager,
Vijaya Bank
Regional Office, Swasthik Centre
Puthenchanthai, M.G. Road
Thiruvananthapuram.

Adv. Shri S. Ramesh

AWARD

This is a reference made by Central Government under Section 10 (1) (d) of Industrial Disputes Act, 1947 for adjudication. The reference is :—

“Whether the action of the management of Regional Office, Vijaya Bank, Trivandrum in not considering the demand of the Union in engaging Smt. K. Devaki as permanent Part-time Sweeper with scale wages is legal and justified? If not, what relief the workman is entitled?”

2. The facts of the case are as follows :

Smt. K. Devaki has been working as a temporary Part-time Sweeper in Karimba Branch of Vijaya Bank since 4-12-1995. Prior to that another permanent part-time sweeper was the worker in the bank. When she was promoted the present worker, Smt. Devaki was appointed. She contends that she has been working continuously and uninterruptedly as a part-time sweeper. The floor area of Karimba branch is more than 1500 sq. ft. and the staff strength is 5. She is working more than 6 hours a week. There has been no complaint from any quarters regarding her work. Though the worker has been in service of the bank for many years she is not regularized. She is also not given scale wages as per provisions of Bipartite Settlements and circulars. Similar part-time employees were regularized in different branches of the bank. The worker is also entitled for regularization and 1/3rd scale wages.

3. According to the management, in order to qualify for 1/3rd scale wages, apart from the sweeping area the staff strength should be 7 or more. In the absence of that part-time sweeper is entitled for consolidated wages only. In this case the worker is not entitled for 1/3rd scale wages as staff strength is only 5. So far as regularization is concerned, then a direction by the Government of India dated 30-9-1978 that the vacancies should be filled by recruiting persons through Employment Exchange. Only in the absence of suitable candidate from Employment Exchange other mode of recruitment can be adopted. Smt. Devaki was not a candidate sponsored by Employment Exchange. The branch manager has no power to appoint part-time sweepers and it has to be done by Regional Office. Since the appointment of Smt. Devaki is not in accordance

with the procedure she is not entitled for regularization in service.

4. In the light of the above contentions the points for consideration are :—

(1) Whether the worker is entitled for regularization ?

(2) Whether she is entitled for 1/3rd scale wages ?

The evidence consists of the oral testimony of WW 1 and WW2 and documentary evidence of Exts. W1 to W4 on the side of worker and MW1 and Exts. M1 & M2 on the side of management.

5. Point No. (1) :

There is no dispute that Smt. K. Devaki joined the service of the bank at Karimba branch as a part-time sweeper on 4-12-1995. According to the worker she has been working as such continuously and uninterruptedly till now. Thus she has worked more than 240 days continuously and satisfies the definition of 'workman' u/s-2(s) of I.D. Act. Hence she claims regularization in service. But, according to the bank regular appointment can be made only through Employment Exchange. There is a direction by the Central Government also to do so. Therefore the worker who came into service not in accordance with the procedure cannot claim regularization. However the bank in their written statement does not deny that the worker has been working continuously for more than 240 days or there is any break in service from 4-12-1995 onwards. However, there was an attempt in the evidence stage through MW1, the Sr. Manager of Regional Office of the bank, that the worker was irregular in service. But, there is not even a whisper in the written statement. MW1 has never worked in Karimba branch admittedly. He says that his knowledge about the worker and her service is only through records. Whatever that be, without a pleading or denial of the continuous nature of service of the worker as contended in the claim statement, no deviation can be made at a belated stage. Hence the burden of worker to prove that she had worked more than 240 days does not arise in this case. Besides, the bank is having vouchers showing payments to the worker. They are not produced by the management to show that she has not been working continuously. If she has been working continuously for more than 240 days she becomes a 'workman' within the definition of S-2(s) of I.D. Act. However, that is not enough to entitle the worker for regularization in service. By virtue of becoming a worker within the definition, automatically no right is conferred on her for regularization. The practice of engaging a temporary part-time worker for many years, and in this case 11 years, continuously may be an unfair labour practice, especially when she is working in a sanctioned vacancy. It is admitted by MW1, the Sr. Manager that the worker was appointed as temporary part-time sweeper in the sanctioned vacancy that arose when the previous permanent part-time sweeper Smt. Omana was promoted as sub-staff (page 6 & 7 of MW1). It is held in *Secretary, State of Karnataka v. Umadevi* (2006) 4SCC 1

(para 53) that irregular appointments of duly qualified persons in duly sanctioned vacant posts made and the employees continued to work for 10 years or more the question of regularization of service of such employees may have to be considered on merits. However, in the judgement the other cases of temporary, contractual, casual, daily wage or ad hoc employees, it is held by Hon'ble Supreme Court that however long they work they have no right for regularization in the establishment. It is the discretion of the management to consider an employee for regularization. By reason of long service a temporary part-time sweeper does not get any right to demand regularization. The worker has pointed out that similar employees were regularized in service in different branches of Vijaya Bank, viz Smt. P.K. Radhamani (Guruvayur branch), Shri A. Umesh (Ext. W3), Smt. S. Thankamani of Kozhencherry Branch and Smt. K.T. Nabeesa of Chavara Branch (vide rejoinder of worker). MW1 does not deny such regularization of temporary part-time workers, but he only says that he does not know (page 5 of MW 1). However he admits that some time in the past such appointments were made by the bank other than through Employment Exchange. He also admits that Smt. Devaki, the present part-time sweeper, was appointed in the vacancy of a permanent part-time sweeper. However such regularization of part-time sweepers in the past does not create any right on similar other employees. It is the discretion of the management to consider temporary employees for absorption in service Continuous employment without regularisation may be an unfair labour practice coming under item 10 of the 5th schedule of I.D. Act. Still no right is emerging from such employment for regularization and it is for the management to consider the worker for absorption, taking into account the long service without any complaint from any quarters of the bank.

5. The contention of the management, that as per Employment Exchange (Compulsory Notification of Vacancies) Act, 1959 the recruitment to permanent posts can be had only through Employment Exchange, is not correct. Section 3 of the Act enumerates certain employments to which the Act does not apply. Section 3 (1) (d) refers to employment in unskilled office work. "Unskilled office work" is defined in S-2 (i) of the Act. The 7th category of employee u/s-2 (i) is 'Sweeper'. Thus the sweeper's post is not covered by Employment Exchange (Compulsory Notification of Vacancies) Act. Hence it is not necessary to recruit candidates for sweeper posts through Employment Exchange. It was contended by the management that there was a direction from the Central Government to recruit part-time employees only through Employment Exchange. Ext. M2 is the direction dated 13-9-1978. It is to be noted that by Ext. M2 the Government has directed that where notification of vacancies to the Employment Exchange in the subordinate cadre is obligatory on the part of the public sector establishment such vacancies have to be filled through Employment Exchange alone. As I have mentioned, since the Employment Exchange Act is not applicable to unskilled office work Ext. M2 does not mandate recruitment through Employment

Exchange. Therefore the appointment of Smt. Devaki as part-time sweeper is not in violation of any procedure. If there is any regulation or recruitment rules governing the recruitment of permanent part-time sweepers, it is for the bank to point out. But none is produced by the bank. If so, there is no bar in considering the candidature of Smt. Devaki to fill up the sanctioned vacancy of a permanent part-time sweeper. It is up to the bank to duly consider the worker for regularization. However since she is a 'workman' within the definition of S-2(s) of I.D. Act she enjoys the protection of S-25F of I.D. Act. The point is answered accordingly.

6. Point No. (2)

Ext. M1 is Circular No.200/82 of the bank dated 29-11-1982. As per the circular the salary and allowances of sweepers is to be fixed in the following manner :

| Sl. No. Floor Area (in sq. ft.) | Staff Strength | Salary & Allowance |
|------------------------------------|----------------|--------------------|
| 1. 1000 & below | — | Rs.60/- per month. |
| 2. 1001 to 1500 | 7 or more | 1/3rd scale wages |
| 3. 1501 to 2000 | 12 or more | 1/2 scale wages |
| 4. 2001 to 4000 | 20 or more | 3/4 scale wage |

Where the floor area in use is above 4000 sq. ft. and the staff strength is 25 or more, there shall be two sweepers, if required, of which one will be on 3/4 scale wages and the other on 1/3 scale wages.

Ext. W4 is circular No. 89/2002 dated 29-7-2002. The specification for remuneration of sweepers as per circular is as follows :

| Sl. No. Floor Area (in sq. ft.) | Hours of work per week | Wages |
|------------------------------------|---------------------------|---------------------------------------|
| 1. Less than 500 | up to 3 hrs. | Rs. 450 per month (consolidated) |
| 2. 500 to 1000 | 3 hrs. to 6 hrs. | Rs. 740/- per month (consolidated) |
| 3. 1001 to 1500 | 6 hrs. to 13 hrs. | 1/3 Scale Wages. |
| 4. 1501 to 2000 | 13 hrs. to 19 hrs. | 1/2 scale wages. |
| 5. 2001 to 4000 | 19 hrs. to 29 hrs. | 3/4 scale wages. |
| 6. Beyond 4000 | Beyond 29 hrs. | Full Scale wages. |

As per Ext. W4 which is the revised rate the eligibility for 1/3 scale wages is for floor area of 1001 to 1500 sq. ft. and hours of work 6 to 13 hours. The staff strength is not a requisite. But as per Ext. M1 Circular of 1982 floor area of 1001 to 1500 sq. ft. and staff strength of 7 or more was the eligibility for 1/3 scale wages. As per the claim statement of the worker floor area was more than 1500 sq. ft. and staff strength prior to 2002 was only 5 and hours of work per week was more than 6 hours. When the worker was in the box she stated that the staff strength was 6 and time of work was from 8.30 a.m. to 1.30 p.m. As per the written statement the staff strength was 5. Unless the staff strength

was 7 or more the worker was not entitled for scale wages, but only for consolidated wages. As per circular, Ext. M1 both floor area and staff strength have to be satisfied in order to claim 1/3 scale wages. In this case the staff strength was only 5 prior to 2002. If so, she was entitled for consolidated wages, which as per Ext. M1, is Rs.60/- per month. This was the position in 1995 when she joined service. As per Ext. W4 revised scale, the staff strength is no more a criterion, but only the floor area and hours of work. The worker comes within the 3rd category of 2002 circular. However worker can claim 1/3rd scale wages only from 29-7-2002 onwards and consolidated wages prior to that.

8. In the result, an award is passed finding that it is for the management to consider the worker, Smt. K. Devaki for the post of permanent part-time sweeper and she has no right to demand and hence the action of the management in not considering the demand of the union for appointment of Smt. K.Devaki as permanent part-time sweeper, is not illegal. The bank is free even now to consider her for regularization or appointment as permanent part-time sweeper even relaxing conditions with regard to age and qualification. The worker is entitled only for consolidated wages for the period prior to 29-7-2002 and thereafter she is entitled for 1/3 scale wages. No cost. The award will take effect one month after its publication in the Official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 8th day of January, 2007.

P. L. NORBERT, Presiding Officer

APPENDIX

Witness for the Union :

WW1 -Smt. Devaki.

WW2 -Shri John Cyriac.

Witness for the Management:

MW1 -Shri P.R. Unnikrishnan.

Exhibits for the Union:

W1 —Memorandum of settlement dated 11-3-1997 between the union and management.

W2 —Photostat copy of award dated 24-5-1999 in I.D. 11/97 of Industrial Tribunal, Alapaha.

W3 —Photostat copy of appointment order dated 31-12-1999 issued to Shri A. Umesh.

W4 —Photostat copy of Circular No.89/02 dated 29-7-2002 issued by Head Office, Vijaya Bank.

Exhibits for the Management :

M1 —Photostat copy of Circular No.200/82 dated 29-11-1982 issued by the Head Office, Vijaya Bank.

M2 —Photostat copy of letter No.F.1/2/1/77-1R dated 30-9-1978 issued by Ministry of Finance, Govt. of India. Full Scale wages.

नई दिल्ली, 17 जनवरी, 2007

का.आ. 417.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूको बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण पटना के पंचाट (संदर्भ संख्या 9(C)/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-1-2007 को प्राप्त हुआ था।

[सं. एल-12012/40/2005-आई आर (बी.-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 17th January, 2007

S.O. 417.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 9 (C)/2005) of the Industrial Tribunal, Patna (Bihar) as shown in the Annexure, in the Industrial Dispute between the management of UCO Bank, and their workmen, received by the Central Government on 16-01-2007.

[No. L-12012/40/2005-IR (B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER INDUSTRIAL TRIBUNAL PATNA

REFERENCE CASE No. 9(C) OF 2005.

Between the management of UCO Bank and their workman Surendra Kumar Mandal, represented by the State Secretary, UCO Bank Employees Association, Patna.

For the Management : Sri P.K. Chatterjee, Officer,
UCO Bank Regional Office,
Patna.

For the Workman : Sri B. Prasad, State Secretary,
UCO Bank Employees Association,
Patna.

Present : Vasudeo Ram, Presiding
Officer, Industrial Tribunal,
Patna.

AWARD

Patna, dated the 12th January, 2007.

By adjudication order No. L-12012/40/2005-IR (B-II) dated the 18th July, 2005 the Government of India, Ministry of Labour, New Delhi has referred under Clause(d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) the following dispute between the management of UCO Bank, Patna and their workman Sri Surendra Kumar Mandal represented by the State Secretary, UCO Bank Employees Association, Patna to this Tribunal for adjudication on the following :

“Whether the action of the management of UCO Bank, Patna in awarding punishment to Shri Surendra

Kumar Mandal, Clerk-cum-Asst. Cashier, Piri Bazar Branch of UCO Bank by lowering down of basic pay by one stage and not paying the amount of salary and allowances for the period of suspension for alleged negligence in duty in Election duty is legal and justified? If not, to what relief the above workman is entitled?”

2. The parties appeared on notice issued from this Tribunal on receipt of the reference and filed their respective written statements. The contention of the workman, in short, is that Sri Surendra Kumar Mandal, while working as Clerk-cum-Asst. Cashier at Piri Bazar Branch, District Lakhisarai of UCO Bank was appointed as Presiding Officer by the District Election Officer-cum-District Magistrate, Lakhi Sarai, on the eve of Legislative Assembly Election in the year 2000. Accordingly the workman was posted as Presiding Officer alongwith other Polling Officers on 17-2-2000 at Polling Booth No. 155 situated in Primary School Makuna (East Part) for conducting the Assembly Election. The workman discharged his duties with his utmost integrity and sincerity and did not resort to any irregularity inspite of serious disturbances created by the booth grabbers. Yet on the basis of external pressure the workman was suspended and a charge sheet dated 13-2-2002 was issued against him. On the representation made before the Chief Election Officer by the workman against the District Magistrate-cum-District Election Officer, Lakhisarai the suspension was vacated. The management appointed Sri Pranay Kumar, Enquiry Officer to conduct domestic enquiry. Sri Pranay Kumar who was posted with the workman earlier in Dharhara Branch of UCO Bank and had developed grudge against the workman, conducted the enquiry proceeding in a most unfair and improper manner ignoring the principles of Natural Justice and basic principles of Indian Evidence Act. The Enquiry Officer failed to act as a quasi judicial officer and committed errors in finding of facts. Although not a single witness was produced by the presenting officer in support of the charge. The Enquiry Officer held the charge proved ignoring all the submissions made on behalf of the workman in defence. The findings of the Enquiry Officer suffers from perversity.

3. Further the contention of the workman is that the District Election Officer had suggested to impose certain punishment on the workman. The disciplinary Authority gave a personal hearing to the workman in which the workman pointed it out that the allegations levelled against the workman were covered under the provisions of the People's Representation Act, 1951 and the Disciplinary Authority had no jurisdiction over the issue, yet without applying mind properly the Disciplinary Authority acted according to the suggestion of District Election Officer, Lakhi Sarai and imposed the punishment of lowering down the Basic Pay of Sri Mandal by one stage. Besides that the salary and allowances of the period of suspension was not paid except the subsistence allowance. Further the

contention of the workman is that the workman preferred an appeal against the said order of Disciplinary Authority on 24-10-2002 but no action was taken by the Appellant Authority and the appeal remained undisposed of. Seeing no scope of redressal of his grievance the workman raised industrial dispute through the sponsoring union under the provisions of the Industrial Disputes Act, 1947. The conciliation Officer advised the management to dispose of the appeal but the management remained silent over the issue. According to the workman the punishment awarded by the Disciplinary Authority is not only without jurisdiction and without application of mind, it is not based on any reasoning and hence the action of the management in imposing the punishment is neither legal nor justified. The claim of the workman is that withheld one stage increment in Basic Pay be released and the salary and allowances of the suspension period be given to him with interest.

4. The case of the management, in short, is that the services of Sri Surendra Kumar Mandal, Clerk-cum-Asst. Cashier at the Piri Bazar Branch of UCO Bank was requisitioned during State Assembly Election 2000. Shri Mandal participated in the Election proceeding in Lakhisarai constituency from 14-2-2000 to 18-2-2000 and participated as Presiding Officer on 17-2-2000 at Booth No. 155 situated in Primary School, Makuna (East Part). The District Magistrate-cum-District Election Officer, Lakhisarai served a charge-sheet upon Sri Mandal vide his Memo No. 42 dated 20-4-2000 requiring Sri Mandal to show Cause against the charges of Negligence and irregularities committed in course of Election on 17-2-2000. The Show Cause submitted by Shri Mandal was not accepted by the District Magistrate-cum-District Election Officer and vide his order dated 23-11-2001 bearing Memo No. 144/KA/Nirva directed the management of UCO Bank to take immediate action against Sri Mandal and to report within six months about the action taken. Accordingly charge sheet dated 13-2-2002 bearing Reference No. ROP/PER/MISC/01-02/545 was served on Sri Mandal to show cause as to why disciplinary proceeding be not started against him. The workman abstained from replying and then the disciplinary proceeding was initiated against him. The Enquiry Officer after awarding ample opportunity of representation and submitted report on 27-7-2002 holding Sri Mandal liable for punishment.

5. Further, the contention of the management is that the Disciplinary authority in pursuance of the enquiry report and after bearing Sri Mandal personally concurred with the findings and conclusion of the Enquiry Officer vide order dated 3-10-2002 awarded punishment to Sri Mandal. According to the management Sri Mandal transferred the works assigned to him as the Presiding Officer to mark each ballot paper with Booth symbol, to his subordinate officer as the result of which 143 out of 518 ballot papers polled remained unmarked and this fact was not mentioned in the diary maintained by the Presiding

Officer, and as such Sri Mandal failed in discharging the duties assigned to him and thus acted negligently and in irregular manner and in violation of the provisions contained in clause 19.5(e) of the Bi-partite Settlement, 1966. The management has denied the allegation levelled by the workman against the Enquiry Officer that he (the Enquiring Officer) was biased and passed order without application of mind and against the principles of Natural Justice. Further according to the management the Enquiry Officer acted independently and passed order without any external influence. The Disciplinary Authority acted well within its jurisdiction and has never exceeded the same. The Disciplinary Authority has acted bonafied and arrived at the conclusion after due appreciation of the entire facts and circumstances of the case. According to the management the relief claimed by Sri Mandal is unsustainable in the eyes of law in view of the charges levelled against him and the report of the Enquiry Officer and the same is liable to be rejected.

6. Upon the pleadings of the parties the following points arise out for decision :—

- (i) Whether the Disciplinary authority had the jurisdiction over the issue?
- (ii) Was the report of Enquiry Officer without application of mind and ignoring the principles of Natural Justice and basic principles of Evidence Act?
- (iii) Whether the action of the management of UCO Bank, Patna in awarding punishment to Sri Surendra Kumar Mandal, Clerk-cum-Asst. Cashier, Piri Bazar Branch of UCO Bank legal and justified?
- (iv) To what relief or reliefs the workman is entitled?

FINDINGS

7. Both the parties have adduced oral as well as documentary evidence in support of their respective contentions. Pranay Kumar (MW 1) the solitary witness examined on behalf of the management was the Enquiry Officer in Domestic Enquiry. He has denied to have submitted Enquiry Report (Ext. M/6) on external pressure. As against that the workman Surendra Kumar Mandal Examined himself as (WW1) and no other witness was examined on his behalf. The management has filed the photo copy of charge under Memo No. 42 dated 20-4-2000 alongwith the order dated 18-4-2000 of District Magistrate-cum-District Election Officer, Lakhisarai (Ext. M), photo copy of explanation dated 10-5-2000 submitted by the workman (Ext. M/1), photo copy of suspension order dated 16-5-2000 issued by the Disciplinary authority (Ext. M/2), photo copy of order of District Election Officer, Lakhisarai communicated vide Memo No. 72 dated 17-10-2000 (Ext. M/3), photo-copy of order of District Election Officer communicated vide memo No. 144 dated 23-11-2001 the recommendation of District Election Officer, Lakhisarai

(Ext. M/4), photocopy of charge dated 13-2-2002 (Ext. M/5), photocopy of Enquiry Report dated 27-7-2002 (Ext. M/6), photocopy of letter dated 23-4-2002 of Enquiry Officer (Ext. M/8), photocopy of letter dated 12-10-2002 of the Manager, UCO Bank, Piri Bazar Branch (Ext. M/7), photocopy of relevant portion of Bi-partite Settlement between Bank's and their workmen (Ext. M/9) and the photocopy of order dated 16-8-2001 in C.W. J.C. No. 9433 of 2001 (Ext. M/10). As against that the workman has filed the photo copy of chargesheet dated 13-2-2002 (Ext. M marked on behalf of the management), photocopy of appointment letter issued by District Election Officer appointing the workman in Election (Ext. W/1), photocopy of order of suspension of the workman (Ext. W/2-Ext. M/2) already marked on behalf of the management photocopy of order of District Election Officer communicated vide letter No. 72 Date 17-10-2000 (Ext. W/3-Ext. M/3) already marked on behalf of the management, photocopy of order of District Election Officer communicated vide Memo No. 144 dated 23-11-2001 (Ext. W/4-Ext. M/4 marked on behalf of the management) photocopy of representation dated 30-7-2001 of the workman addressed to the Chief Election Commissioner (Ext. W/5), photocopy of representation dated 30-7-2001 addressed to the Asst. General Manager, UCO Bank (Ext. W/6), photocopy of page, 75, 78 and 79 of Representation of the People Act, 1951 (Ext. W/7-series), photo copy of defence brief submitted by the workman before the Enquiry Officer (Ext. W/8), photo copy of comment on Enquiry Report (Ext. W/9), photo copy of letter dated 3-8-2002 of Disciplinary Authority (Ext. W/10), photocopy of proceeding dated 19-8-2002 of personal hearing (Ext. W/11), photocopy of letter dated 5-10-2002 sent to the workman by the Disciplinary Authority (Ext. W/12), photocopy of memo of appeal dated 24-10-2002 (Ext. W/13), and the photocopy of Enquiry Proceeding (Ext. W/14). I may mention here that Ext. W/14 has been marked exhibit on admission by the management and the remaining documents of both the parties have been marked exhibit on formal proof waived by the other side. It is also worth mention that neither party has denied any document filed on behalf of either party.

Point No. (i) :

8. It is an admitted fact that the workman was appointed (*vide* Ext. W/1) Presiding Officer in Booth No. 155 situated in Primary School, Mukuna, East Part, Lakhisarai in General Election of Bihar Legislative Assembly, 2000. It is also admitted fact that he worked as the Presiding Officer in the said Election of 17-2-2000. There is no dispute on the point that out of 518 ballot polled 375 were marked with Booth Symbol and on remaining 143 ballot Booth Symbol 190/155 was not given rather Swastik mark was given and the said fact was not mentioned in the diary maintained by the Presiding Officer, the workman. Accordingly, the District Election Officer, Lakhisarai communicated the charge (*vide* Ext. M) and called for

explanation. In the explanation dated 10-5-2000 submitted by the workman (Ext. M/1) the said charges have been admitted by the workman. In explanation it has been said that after issuing 375 ballot papers Law and Order problem had started and hence he entrusted the work to another Officer who due to mistake marked Swastik mark in place of Booth Symbol on ballot papers and under such circumstances he (the Presiding Officer) forget to mention the same in diary. The explanation submitted by the workman was not found satisfactory. The workman was suspended w.e.f. 16-5-2000 (*vide* Ext. M/5 & W) and the departmental proceeding started. The Enquiry Officer submitted his report on 27-7-2002 (*vide* Ext. M/6) and accordingly the Disciplinary Authority passed order of punishment (*Vide* Ext. W/12) on 5-10-2002 after personal hearing of the workman, which facts are not disputed rather admitted.

9. Now coming to the point as to whether the Disciplinary Authority had the jurisdiction over the issue or not I find that admittedly the workman is in the service of the Bank and hence under the administrative and disciplinary control of the Disciplinary Authority of the Bank. The workman was deputed for conducting Election from 14-2-2000 to 18-2-2000 only. In view of the decision of Hon'ble Patna High Court in the case of Sri Pratap Narain Mishra V/s. the State of Bihar and other reported in 2001(4) PLJR-137 according to Section 28-A of the Representation of the Peoples Act, 1951, the Officials of Election Commission are not authorised to impose punishment on a Government Employee on deputation to the Election Commission. Under the circumstance in view of the said decision it is the controlling Officer of the person deputed in election work who can ultimately take action against the person for the commissions and commissions during the deputation period and not the District Election Officer. Accordingly I decide this issue in affirmation that the Disciplinary Authority had the jurisdiction over the issue.

Point No. (ii) :

9. It has been alleged in written statement of the workman that the Enquiry Officer Sri Pranay Kumar was biased from the workman from before and the enquiry officer conducted the enquiry in the most unfair and improper manner ignoring the Principles of Natural Justice and basic Principles of Evidence Act. It has not been specifically pointed out on behalf of the workman as to what action of the Enquiry Officer was unfair and what action was improper and against the Principles of Natural Justice and against the basic principles of Evidence Act. There can be no dispute on the point that it is the person who alleges unfairness and injustice, has to prove the same. As regards the Enquiry Officer WW1 the workman himself has stated that he had worked with that Officer and his relationship with that Officer was good, at times there was quarrel on union matter. That simply shows that there was

no reason for the Enquiry Officer to be biased with the workman. I may point out here that WW1 in his statement before this Tribunal has not stated that he was not given opportunity to contest or to participate in the domestic enquiry rather it has been admitted by the workman that he participated and the Enquiry Officer (MW1) has stated that during the enquiry no witness was examined on behalf of any party, the workman filed written submissions. In view of the admission of the workman in his show cause (Ext. M/1). It can not be said that the findings of the Enquiry Officer was illegal or perverse. Under the circumstances discussed above I find that the Enquiry Officer acted independently and without any bias and submitted report with open mind and there is no substance in the allegation that the report was submitted without application of mind and ignoring the principles of Natural Justice and basic principles of Evidence Act. This point is accordingly decided.

Point Nos. (iii) and (iv) :

10. According to the workman the punishment awarded to the workman is illegal and unjustified. It has been pointed out during the argument on behalf of the workman that in chargesheet dated 13-2-2002 (Ext. W) it has been mentioned that the said act of the workman was disobedience of lawful and reasonable order of clause 10.5(e) of Bi-partite Settlement. The said clause 10.5 (e) does not relate to misconduct rather there is no clause 10.5(e), there is clause 10.5, which deals with the leave travelling concession and as such the domestic enquiry was held on wrong charge meaning thereby the workman was held guilty on wrong charge. In reply to that it has been submitted on behalf of the management that the charge was amended and the said mistake was corrected vide letter No. RO/PER/MISC/10-02/607 dated 26-4-2002 which has been filed and the same is on this record. That means that the charge sheet was amended by including 19.5 (e) in place of 10.5(e) and the said amendment was made prior to the filing of defence brief (Ext. W/8) dated 12-6-2002. In this regard, I would also like to mention that it is well settled principle of law that mentioning wrong section in charge would not vitiate the trial or be held illegal if the description of charge is clear and has not prejudiced the workman. Here in this case the description of charge given in chargesheet (Ext. M) clearly indicates the charge of misconduct and there is nothing to show that due to mention of wrong section the workman was prejudiced or was prevented from taking proper defence. I may mention here that the workman admitted the charge and took the plea that there arose law and order problem and hence he entrusted the work to another Officer who inadvertently put Swastik mark in place of Booth Symbol and he (the workman) could not mention this fact in the diary. Under the circumstances discussed above I find that mentioning wrong section in charge has not prejudiced the workman and the findings of the Enquiry Officer can not be held

illegal on that score. No other illegality has been pointed out on behalf of the workman nor I find that there is any illegality in conducting the domestic enquiry on which the punishment is based.

11. On behalf of the workman pages of the Representation of People Act, 1951 have been filed (Ext. W/7-series) and by referring to sub-section (i) of Section 134 of the said Act which runs as follows :

“(i) If any person to whom this section applies is without reasonable cause guilty of any act or omission in breach of his Official duty, he shall be punishable with fine which may extend to five hundred rupees”.

It has been submitted that the punishment awarded to the workman is neither legal nor justified. In this connection I would like to mention that the management of the Bank has no jurisdiction or authority to pass sentence under that sections of Representation of People Act, 1951, the management of the Bank has the jurisdiction to pass sentence under the provisions of Bi-partite Settlement. The Enquiry was conducted under the provisions of Bi-partite Settlement and the workman was held guilty of wilful disobedience of lawful and reasonable order of the superior which is “gross misconduct” under clause 19.5 (e) of the Bi-partite Settlements between Banks and their workmen. The punishment for the “gross misconduct” has been enumerated in clause 19.6 of the Bi-partite Settlement under which to stop the increment is one of the punishments. The management has the power not to make payment of salary and allowances for the period of suspension. Under the circumstances, I find that the punishment awarded to the workman is legal.

12. I have held above that the punishment as awarded by the management to the workman is legal, but, to my mind keeping in view the quantum and nature of negligence and misconduct committed by the workman punishment of lowering down basic pay by one stage when the salary and allowances for the suspension period has not been paid, is excessive and harsh and hence is not justified. I may mention that there is the provision of warning or censure or to have an adverse remark entered against him as enumerated under clause 19.6 of Bi-partite Settlement. The proper punishment in proportion to the offence of misconduct committed by the workman would be to ‘warn’ him from repeating the same in future besides not paying the salary and allowance for the suspension period except the subsistence allowance already paid. The workman is entitled to the relief accordingly. These points are decided accordingly.

13. In the result I find and hold that the punishment of lowering down of basic pay by one stage besides not paying the amount of salary and allowances for the period of suspension is legal but not justified. The punishment of ‘warning’ him from repeating the same in future besides not paying the salary and allowances for the period of

suspension except the subsistence allowance already paid to him would be just and proper to meet the ends of justice. The management should act accordingly.

14. And this is my award.

VASUDEO RAM, Presiding Officer

नई दिल्ली, 17 जनवरी, 2007

का.आ. 418.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स एस.जी. एस. इंडिया प्रा. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या 79/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-1-2007 को प्राप्त हुआ था।

[सं. एल-34011/12/2002-आई आर (बी.-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 17th January, 2007

S.O. 418.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 79/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the Industrial Dispute between the management of M/s SGS India Private Limited and their workmen, received by the Central Government on 16-01-2007.

[No. L-34011/12/2002-IR (B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT:

Shri T Ramachandra Reddy, Presiding Officer

Dated the 28th day of December, 2006

Industrial Dispute No. 79/2004

(Old ITID (C) No. 18/2003 transferred from Industrial Tribunal-cum-Labour Court, Visakhapatnam)

BETWEEN

The General Secretary,
SGS India Ltd. Staff Association,
43-4-34, Railway New Colony,
Visakhapatnam-530 016.

... Petitioner/Union

And

The Branch Manager,
M/s. SGS India Private Limited,
D. No. 30-9-4/2, Sarada Street, Dabagardens,

Visakhapatnam-530 024.

... Respondent

APPEARANCES

For the Petitioner : M/s K. Bhavani Shankarudu & O. Srinivas, Advocates

For the Respondent : Sri Y. Venkata Rao, Advocate.

AWARD

The Government of India, Ministry of Labour by its order No. L-34011/12/2002-IR (B-II) dated 20-5-2003 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication between the management of M/s SGS India Private Limited and their workman to Industrial Tribunal-cum-Labour Court, Visakhapatnam which was transferred to this Tribunal. The reference is,

SCHEDULE

Demand No. 3 : Whether the calculation formula suggested by the union vide their letter dated 8-4-2002 for fixation of wages for the years 2000 and 2001 is legal and justified? If not, what relief the Union is entitled to?

Demand No. 4 : Whether the grade, Designation and Scale of Pay as suggested by the Union for the period from 2000-2001 is legal and justified? If not, what relief the Union is entitled to?

Demand No. 5 : Whether the demand of the Union for payment of increment of Rs. 1000 for one year and Rs. 2,000 for two years is legal and justified? If not, what relief the Union is entitled to?

Demand No. 8 : Whether the O.T. formula as suggested by the Union in their letter dated 8-4-2002 is legal and justified? If not, what relief the Union is entitled to?

Demand No. 9 : Whether the demand by the union for revision of various allowances as contained in their letter dated 8-4-2002 for the year 2000 and 2001 is legal and/or justified? If not, what relief is the Union entitled to?

Demand No. 11 : Whether the demand of the union for 12 days Casual Leave in a year excluding Sundays and Holidays is legal and justified? If not, what relief the Union is entitled to?

AND

Whether the demand of the union for 30 days Privilege Leave excluding Sundays and Holidays in a year with accumulation of 180 days till retirement and 15 days encashment is justified? If not, what relief the Union is entitled to?

The reference is numbered in this Tribunal as I.D. No. 79/2004 and notices issued to the parties.

2 Both parties present today, i.e. 28th day of December, 2006 and filed a compromise memo and represented to pass Award in terms of the memo. Hence, Award is passed in terms of the compromise memo as follows :

“MEMORANDUM OF SETTLEMENT BETWEEN THE APPLICANT AND OPPOSITE PARTY

The Applicant put forth various demands and the Government of India, Ministry of Labour and Employment vide its order dated 20-5-2003 referred certain of demands of the Applicant to the Central Government Industrial Tribunal-cum-Labour Court for adjudication. The demands referred for adjudication are as follows:

TERMS OF REFERENCE:

“Demand No. 3 : Whether the calculation formula suggested by the union vide their letter dated 8-4-2002 for fixation of wages for the year 2000 and 2001 is legal and justified? If not, what relief the Union is entitled to?”

Demand No. 4 : Whether the grade, Designation and Scale of Pay as suggested by the Union for the period from 2000-2001 is legal and justified? If not, what relief the Union is entitled to?

Demand No. 5 : Whether the demand of the Union for payment of increment of Rs. 1000 for one year and Rs. 2000 for two years is legal and justified? If not, what relief the Union is entitled to?

Demand No. 8: Whether the O.T formula as suggested by the Union in their letter dated 8-4-2002 is legal and justified? If not, what relief the Union is entitled to?

Demand No. 9: Whether the demand by the union for revision of various allowances as contained in their letter dated 8-4-2002 for the year 2000 and 2001 is legal and/or justified? if not, what relief is the Union entitled to?

Demand No. 11 : Whether the demand of the Union for 12 days Casual Leave in a year excluding Sundays and Holidays is legal and justified? If not, what relief the Union is entitled to?

AND

Whether the demand of the Union for 30 days Privilege Leave excluding Sundays and Holidays in a year with accumulation of 180 days till retirement and 15 days encashment is justified? If not, what relief the Union is entitled to?

The opposite party filed its reply to the claim statement and while the matter was pending the parties came to a settlement. The applicant has agreed to accept the proposal given by the Management in full and final satisfaction of all the demands. The applicant has agreed to the following :

The Management has formulated a nationwide revised pay structure which is uniform in all the branches of company. The said pay structure is fully implemented.

The new pay structure takes into consideration that there is a cadre wise uniformity of works like medical, educational allowance, lunch allowance, bonus etc.

The Management has in principle consented and agreed to confirm the services of the following employees (18 Nos. in total)

- (1) P. Satish babu
- (2) S. Raghubabu
- (3) N. Srinivasa Reddy
- (4) Abdul Kareem
- (5) P.S.R. Swamy
- (6) M. Sekhar Babu
- (7) K.V.S. Naresh
- (8) S. Ramesh Kumar
- (9) R. Satyanarayana
- (10) G. Chittibabu
- (11) N. Krishna
- (12) B. Ramkumar
- (13) N. Venkat Rao
- (14) S. Srinivasa Rao
- (15) G. Satyanarayana
- (16) R.J.B. Kumar
- (17) Ch. Rambabu
- (18) G. Ravibaboo

The applicant/association has accepted the above benefits/assurances made by the opposite party/management in full and final satisfaction of all the claims/demands which are subject matter of ID 79/2004 on the file of this Hon'ble Tribunal Court.

Since both the parties have agreed to accept and implement the above, this settlement is entered into for the purpose of having an award passed by the Hon'ble Tribunal Court in terms of the settlement.

Therefore, both the parties pray the Hon'ble Tribunal to pass an award in terms of the settlement in the interest of justice.

Award passed accordingly, Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 28th day of December, 2006.

T. RAMACHANDRA REDDY, Presiding Officer

Appendix of evidence

| | |
|---------------------------------------|---------------------------------------|
| Witnesses examined for the Petitioner | Witnesses examined for the Respondent |
|---------------------------------------|---------------------------------------|

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 17 जनवरी, 2007

का.आ. 419.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विशाखापत्तनम पोर्ट ट्रस्ट के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या 120/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-1-2007 को प्राप्त हुआ था।

[सं. एल-34025/1/2007-आई.आर. (बी.-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 17th January, 2007

S.O. 419.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 120/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Visakhapatnam Port Trust and their workman, which was received by the Central Government on 16-1-2007.

[No. L-34025/1/2007-IR (B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
AT HYDERABAD**

PRESENT:

Shri T. Ramachandra Reddy, Presiding Officer

Dated the 9th day of January, 2007

Industrial Dispute L.C.I.D. No. 120/2004**BETWEEN**

Sri P. Srinivas,
C/o Sri S. S. N. Raju,
Sri M. R. K. Appa Rao,
Advocates.
Qtr.No. 13, S.B.I. Quarters,
Sivaji Park Road,
Pedawaltair,
Visakhapatnam - 17.

Petitioner

AND

1. The Chairman,
Visakhapatnam Port Trust,
Visakhapatnam.
2. The Traffic Manager,
Visakhapatnam Port Trust,
Visakhapatnam.

Respondents

APPEARANCES:

For the Petitioner : M/s. S. S. N. Raju &
M. R. K. Appa Rao, Advocates.

For the Respondent : M/s. D. V. Subba Rao &
D. V. S. S. Somayajulu,
Advocates.

AWARD

This is a petition filed under Sec. 2A(2) of Industrial Disputes Act, 1947 by the Petitioner Sri P. Srinivas against the Chairman, Port Trust, Visakhapatnam and Traffic Manager, Port Trust, Visakhapatnam as Respondents before the Industrial Tribunal-cum-Labour Court, Visakhapatnam and numbered as ITID (C) 36/2002 and the same was transferred on the constitution of this Tribunal.

2. The Petitioner submitted that he was appointed as a Railway Khalasi (Operating Section), on 7-3-1991 and that he continuously worked till he was removed from services on 30-3-2001. Petitioner was drawing a monthly salary of Rs. 4881/- and he was working under the control of the 2nd Respondent at the time of his removal.

3. It is further submitted that he was charged for his alleged unauthorized absence from duty from 9-2-99 to 31-12-99 without submitting leave application or sick certificate and further alleged that he was habitual unauthorized absentee causing dislocation of day to day operational work and charged for his carelessness and negligence and violation of 391 of Visakhapatnam Port Trust Conduct and regulations, 1964. It is further submitted that the Enquiry Officer by name Sri M. Kondala Rao was appointed. But the Enquiry Officer conducted enquiry on 1-11-2000 without following due procedure and without examining any witnesses and that the Enquiry Officer suggested the Petitioner to accept his guilt so that he will recommend to the Management for taking a lenient view by imposing minor punishment, in violation of the principles of natural justice. It is further submitted that the Petitioner's mother was suffering from heart disease and his grand mother was sick and further he was also not feeling well and that he took treatment from K. G. hospital. The Petitioner begged pardon before the Enquiry Officer as suggested but the Enquiry Officer submitted report to the Disciplinary Authority who imposed a capital punishment of dismissal from the service.

4. The appeal preferred by the Petitioner before the Deputy Chairman on 9-4-2001 was also dismissed mechanically vide orders dated 8-6-2001. Another appeal preferred by the Petitioner through proper channel to the Chairman, Visakhapatnam Port Trust, dated 8-6-2001 was also dismissed. The Petitioner sought the relief to set aside the order of dismissal and reinstatement into service with all attendant benefits and back wages.

5. The Respondent Management filed counter and denied the averments made in the petition and contended

that the Petitioner was issued a chargesheet dated 7-2-2000 by Traffic Manager being the Disciplinary Authority for his unauthorized absence from 9-2-99 to 31-12-99. That an enquiry was held by appointing the Enquiry Officer holding the charge was proved. The Petitioner was previously punished by reduction of pay by two stages for two years with cumulative effect in the year 1998 and reduction of pay by one stage for two years with cumulative effect in the year 2000 beside giving warnings orally and also in writing. It is further submitted that the Petitioner failed to submit explanation for the chargesheet dated 7-2-2000 as such the Disciplinary Authority ordered an enquiry by duly appointing Sri M. Kondala Rao. The Enquiry Officer conducted the proceedings on 1-11-2000 in the presence of the Petitioner and the Presenting Officer in which the Petitioner has admitted the charges levelled against him and that the Enquiry Officer submitted his report concluding that the charge is proved against the Petitioner. It is further submitted that the Disciplinary Authority has asked the explanation of the Petitioner *vide* his letter dated 7-11-2000 enclosing the copy of the enquiry report. But the Petitioner did not file any explanation. That the Disciplinary Authority after considering the report and the material on record passed the order of dismissal on 30-3-2001. The appeals filed by the Petitioner were also rejected confirming the punishment. The Petitioner having punished twice previously for his unauthorized absence did not improve his attendance and continued to be a chronic unauthorized absentee and the punishment imposed is proportionate to the gravity of the charges. It is further submitted that this Tribunal cannot sit in appeal over the findings of the Disciplinary Authority and can not re-appreciate the evidence.

6. After hearing both sides on the validity of domestic enquiry it was held on 26th July, 2006 that the domestic enquiry conducted by the Respondent Management is valid. Arguments heard under Sec. 11 (A) from both sides.

7. It is not in dispute that the Petitioner is a workman under the Respondent Management and the Petitioner was charged for alleged unauthorized absence from duty from 9-2-99 to 31.12.99 without submitted leave application/sick certificate, and he was habitual unauthorized absentee amounting to careless and negligence in his duties in violation of regulation 3(1) Visakhapatnam Port Trust Conduct Regulations, 1964. It is also not in dispute that the Disciplinary Authority has appointed Sri M. Kondala Rao as an Enquiry Officer who conducted enquiry in the presence of Petitioner and the Presenting Officer. The Petitioner accepted the charge.

8. It is also not in dispute that in view of accepting the charges by the Petitioner the Enquiry Officer sent his report concluding that the charge against the Petitioner was proved. The Disciplinary Authority has called for explanation of the Petitioner by serving the enquiry report.

But the Petitioner did not choose to file any explanation. The Disciplinary Authority on considering the material on the previous conduct issued the order of removal. The Petitioner has pleaded that the Enquiry Officer has suggested and convinced the Petitioner to accept the charge assuring that he will recommend for taking a lenient view as such the Petitioner pleaded guilty by accepting the charge.

9. The Learned Counsel for the Petitioner contended that the Petitioner is neither negligent nor careless and the Petitioner worked to the satisfaction of the superiors and the Petitioner could not attend his duties on account of his sick mother and grand mother and that the Petitioner could not sent any intimation and further the capital punishment is disproportionate to the gravity of the charges and further contended that the Petitioner has pleaded guilty on account of assurance given by the Enquiry Officer that a lenient view will be taken.

10. On the other hand it is contended for the Respondent by the counsel that the Petitioner was previously punished twice for his unauthorized absence but the Petitioner has not improved his attendance and again absented himself unauthorisedly for a period of 10 months and he did not choose to give any explanation to the charge memo as such an Enquiry Officer was appointed and further the Petitioner has accepted the charges and pleaded guilty voluntarily and further contended that the punishment imposed is in consonance with the gravity of charge and this Tribunal cannot sit in appeal to re-appreciate the evidence and further contended that the plea of the Respondent that he pleaded guilty on account of suggestion made by the enquiry officer is only an after thought and the Petitioner did not take the same plea at any time before the Disciplinary Authority or in his appeal.

11. The contention of the Petitioner that he accepted the charge on account of assurance given by the Enquiry Officer that a lenient view will be taken does not appears to be true. The Petitioner did not choose to give his explanation to the chargesheet served on him and also after serving the enquiry report. He was given ample opportunity to give his explanation by serving the enquiry report by the Disciplinary Authority. If really he was influenced by the Enquiry Officer who said to have been made a suggestion that a lenient view will be taken, he could have explained the same. It should be noted that the Enquiry Officer is not an authority to take a lenient view in imposing the punishment. His job is only to submit enquiry report holding that the charge is proved or not. Further the Petitioner did not take his plea at any time before the Appellate Authority or at the time of making representation to the Chairman as a second appeal. Therefore, I hold that the Petitioner has voluntarily accepted the charges and there was no coercion or assurance or suggestions made by the Enquiry Officer.

12. After holding that the domestic enquiry was held valid, scope under Sec. 11-A to interfere with the punishment is limited. It was held in 2005 (3) SCC page 134, Mahindra and Mahindra Ltd., Vs. N.B. Narawade as follows at para 20 : "It is no doubt true that after introduction of Section 11-A in the Industrial Disputes Act, certain amount of discretion is vested with the Labour Court/Industrial Tribunal in interfering with the quantum of punishment awarded by the Management where the workman concerned is found guilty of misconduct. The said area of discretion has been very well defined by the various judgements of this court referred to hereinabove and it is certainly not unlimited as has been observed by the Division Bench of the High Court. The discretion which can be exercised under Section 11-A is available only on the existence of certain factors like punishment being disproportionate to the gravity of misconduct so as to disturb the conscience of the court, or the existence of any mitigating circumstances which require the reduction of the sentence, or the past conduct of the workman which may persuade the Labour Court to reduce the punishment. In the absence of any such factor existing, the Labour Court cannot by way of sympathy alone exercise the power under Section 11-A of the Act and reduce the punishment. As noticed herein above at least in two of the cases cited before us i.e. Orissa Cement Ltd. and New Shorrock Mills this court held: "Punishment of dismissal for using of abusive language cannot be held to be disproportionate." In this case all the forums below have held that the language used by the workman was filthy. We too are of the opinion that the language used by the workman is such that it cannot be tolerated by any civilized society. Use of such abusive language against a superior officer, that too not once but twice, in the presence of his subordinates cannot be termed to be an indiscipline calling for lesser punishment in the absence of any extenuating factor referred to hereinabove."

13. The Petitioner was previously punished twice for his unauthorized absence causing dislocation of work and the punishment imposed by the Disciplinary Authority cannot be said to be disproportionate and disturbs conscience of this Tribunal and further the past conduct of the Petitioner will not justify to interfere with the punishment. In view of the unauthorized absence of about 10 months and taking into consideration the past conduct of the Petitioner, I do not see any sufficient grounds to interfere with the punishment imposed by the Disciplinary Authority. Therefore, the Petitioner is not entitled for relief.

Award passed accordingly. Transmit.

Dictated to Smt P. Phani Gowri, Personal Assistant, transcribed by her and corrected by me on this the 9th day of January, 2007.

T. RAMACHANDRA REDDY, Presiding Officer

Appendix of evidence

| | |
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| Witnesses examined for the Petitioner | Witnesses examined for the Respondent |
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NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 17 जनवरी, 2007

का.आ. 420.-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केरल मिनेरल एण्ड मेटल्स लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय इर्नाकुलम के पंचाट (संदर्भ संख्या सीजीआईटी-एलसी/ईकेएम/आईडी/28/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-1-2007 को प्राप्त हुआ था।

[सं. एल-29011/88/2001-आई.आर. (एम)]

एन. एस. बोरा, डेस्क ऑफिसर

New Delhi, the 17th January, 2007

S. O. 420.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. CGIT. LC/EKM/ID. 128/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Kerala Minerals & Metals Limited, and their workmen, which was received by the Central Government on 17-1-2007.

[No. I-29011/88/2001-IR (M)]

N. S. BORA, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

PRESENT:

Shri P. L. Norbert, B.A., L.L.B., Presiding Officer

(Friday the 15th day of December,
2006/24th Agrahayana, 1928)

I.D. No. 128/2006

(I.D.18/2002 of Industrial Tribunal, Kollam)

| | |
|---------------|--|
| Workman/Union | The General Secretary, KMM Titanium Employees Union, (CITU) Chavara, Kollam. |
|---------------|--|

Adv. K. P. Gopalakrishna Pillai

Management

The Managing Director,
Kerala Minerals & Metals Limited,
Chavara P.O.,
Kollam -691583.

Adv. P.V. Lohitakshan.

AWARD

This is a reference made by Central Government under Section 10 (1) (d) of Industrial Disputes Act, 1947 for adjudication. The reference is :—

"Whether the action of the management of Kerala Minerals and Metals Ltd., Chavara in not giving upgradation to Grade C Operators to the level of Grade B with retrospective effect from 1-1-90 is justified? If not, to what relief the concerned workers are entitled to?"

2. The facts of the case are as follows :

According to the claimant union, some of the Operators in Grade 'C' in Titanium Dioxide Pigment Unit of the Kerala Minerals & Metals Limited, Kollam were denied promotion to Grade 'B' in violation of promotion policy. The Board of Directors of the company is the only competent authority to create and abolish various posts in the company. There are three grades of posts in various departments of the company. Originally, when the Titanium Dioxide Pigment Unit was started the company had created 48 Grade 'C' Operators, 69 Grade 'B' Operators and 36 Grade 'A' Operators. However enough qualified hands were not available to fill up all the posts of Grade 'B' numbering 69. Hence the company decided to downgrade 39 posts of Grade 'B' posts to Grade 'C'. Accordingly the downgraded posts were also filled up. Similarly there were three grades in technical side of Titanium Dioxide Pigment Unit. There was negotiation and discussions between management and the unions for adopting a promotion policy. Since there was no consensus management in the year 1989 decided to fill up vacancies in higher grades by giving officiating promotions to eligible workmen from among the feeder categories. Though there was down-grading of Grade 'B' to Grade 'C', the strength of posts in Grade 'B' remained the same and was to be filled up as and when Grade 'C' workers became eligible for promotion. On 24-9-1990 the management put forward certain proposals to the unions regarding promotion of workers. The proposal was to promote workers in Grade 'C' from 1-1-1990 according to the availability of vacancies in higher grade. Sixty-nine posts of Grade 'B' Operators sanctioned by the Board of Directors were available as on 1-1-1990. However, the management promoted Grade 'C' Operators only w.e.f. 1-4-2000. But workmen in other categories were given promotion with retrospective effect from 1-1-1990. The qualification for promotion from Grade 'C' to Grade 'B' Operators was 4 years' service in Grade 'C'. Thus the company discriminated Grade 'C' operators in the matter

of promotion. As a result, the benefits of seniority, pay and other benefits admissible to workers were denied by the company since 1-1-1990. They are entitled to get promotion w.e.f. 1.1.1990 or from subsequent date when vacancies arose and for consequential benefits.

3. According to the management, Operators Grade 'C', if given promotion with retrospective effect, it is bound to affect many other seniors. Without joining the affected parties, there cannot be an effective adjudication. The union in this case is only a minority union representing only a few of the workers. The major unions are not before the court. Their presence is necessary for effective adjudication of the dispute. It is as per report of consultants of the company that posts in different categories were created by the company. Employees of the Titanium Dioxide Pigment Unit were initially recruited during the period 1984—86. The management had prepared a draft promotion policy and circulated it among trade unions. There were several rounds of discussions with the unions. However, they did not agree with the proposed promotion policy. Since higher posts were remaining unfilled and it affected the smooth functioning of different units of the company the management decided to give officiating promotions to eligible employees to higher posts. Though the unions did not agree with the decision of the company initially, later they also consented for giving officiating promotion till finalization of draft promotion policy. However, in spite of several discussions with the unions there was no consensus. There was also conciliation. But that also failed. At last the Board of Directors of the company approved the draft promotion policy on 29-4-1998. Thus the officiating promotees were regularized in their respective higher grades w.e.f. 1-1-1990. As per Clause 7 of Promotion Policy, in categories where there was no promotion chance the company decided to divide such posts into more than one grade for the purpose of career advancement. However the post of Operators was not covered by Clause 7 of the promotion policy. It was also decided to treat 1-1-1990 as cut off date for dividing the posts and granting notional promotion to eligible workmen. However financial benefit was allowed only prospectively, that is, from the date of implementation of promotion policy. Though the initial strength of Operators in Grade 'A', 'B', & 'C' was 36, 69 and 48 respectively, according to the requirement in each division the strength of employees were reviewed and re-fixed from time to time. Immediately prior to 1-4-2000 the strength of Operators of Grades 'A', 'B' & 'C' was 35, 28 & 77 respectively. Later, again the requirement of Operators was reviewed and a policy decision was taken by the management to upgrade 32 Grade 'C' Operator posts to Grade 'B' w.e.f. 1-4-2000. The company had recruited local people having technical qualifications as technical trainees. They were waiting for years for appointment. The Government pressed the company for their appointment. At the same time, sufficient qualified Grade 'C' Operators

were not available for promotion to Grade 'B'. In that background 39 posts of Grade 'B' Operators were downgraded to Grade 'C' during 1992-93 and those posts were filled up by absorption of technical trainees. Thus 39 posts of Operators Grade 'B' were not available till 1-3-2000 in order to upgrade or promote 39 Operators Grade 'C' to Grade 'B'. Hence the union cannot demand promotion of Operator Grade 'C' to Operator Grade 'B' w.e.f. 1-1-1990. The vacancies in Operator Grade 'B' arose only on 1-4-2000 and that too as a result of policy decision of the management. The category of Operators and Technicians cannot be equated. They stand on a totally different footing. The management had not discriminated Operators against other categories of workmen. Since there was no vacancy in Grade 'B' prior to 1-4-2000 no question of granting promotion to Operators Grade 'C' to Grade 'B' arose. For the purpose of day-to-day administration and filling up of posts the Managing Director of the company is competent to take a decision and no Board approval is required. However the Board had approved the decision of the Managing Director on 4-7-1986 to downgrade 39 posts of Operator Grade 'B' to Operator Grade 'C' along with similar other posts. But for the policy decision of the company to downgrade 39 posts of Operator Grade 'B' the technical trainees who had completed the training could not have got employment and absorption in Operator Grade 'C' category. They were given promotion to Grade 'B' w.e.f. April 2000. Now the union is espousing their cause on untenable grounds. Even the posts of 32 Grade 'B' Operators came into existence in April 2000 by virtue of the decision of the management to upgrade 32 posts of Operator Grade 'C' to Operator Grade 'B'. Without that decision even in April 2000 these 32 workers would not have got promotion to Grade 'B'. Since no vacancies were available prior to April 2000 the claim of workers is not sustainable.

4. In the light of the above contentions the only point that arises for consideration is:

"Are the workers in Operator Grade 'C' recruited after 1-1-1986 entitled for promotion prior to 1-4-2000? If so, from which dates?"

The evidence consists of oral testimony of WWI and documentary evidence of Exts. WI to W16 on the side of union and MWI and Exts. M1 to M13 on the side of management.

5. The Point

The Kerala Minerals & Metals Limited is a wholly Kerala Government owned company with registered office at Chavara, Kollam. It carries on business of mining minerals and metals of any nature, producing, dressing, processing, refining, beneficiating, using and deal in Ilmenite, Rutile, Leucosene, Sillimanite, Zircon, Monazite, Silica, Titanium, Zirconium, Silicon, Iron or their compounds

derivatives, alloys and allied chemicals. It has two units: (1) Minerals Separation Unit (MS Unit), which is a mine under Mines Act and (2) Titanium Dioxide Pigment Unit (TP Unit), which is a factory under Factories Act. The dispute pertains to TP Unit. The commercial production of TP Unit commenced in the year 1985. The manpower requirement in the TP Unit was assessed by consultants who had prepared a TP Unit project. That was considered and sanctioned by the Board of Directors of the company. The Board of Directors is the competent authority to create and abolish posts. The employees in the TP Unit were initially recruited during 1984-86. There were 3 levels of employees in the TP Unit, i.e. on the production side, maintenance side and administration side. On the production side there are 3 categories of Operators, Grade 'C', 'B' & 'A'. At present, Grade 'C' is known as Junior Operators. On the maintenance side also there are 3 categories, i.e. Technician Grade 'C', 'B' & 'A'. Similarly on the administrative side also there are 3 categories.

6. There was a newspaper advertisement, Ext. W16 for recruitment of employees to the company. Sanction for creation of Operator grades was accorded by the Board of Directors to the tune of Grade 'C' - 48, Grade 'B' - 69 & Grade 'A' - 36. Regarding creation of additional posts for TP Unit there was discussion in the 79th Board Meeting. Ext. M2 dated 19-5-1986 is the agenda for 79th Board Meeting. Ext. M3 is the Minutes of 79th Board Meeting dated 12-6-1986. No decision was taken on that day. Ext. M4 is the agenda for next Board meeting, i.e., 80th Board Meeting dated 4-7-1986. There was proposal to downgrade 39 posts of Operator Gr. 'B' (page 5 of Ext. M4). Ext. M5 is the extract of the minutes of 80th Board Meeting dated 4-7-1986. The proposal was approved by the Board on the same day. This can be seen from Ext. M5. The purpose for downgrading 39 posts of Grade 'B' Operators to Grade 'C' was due to non-availability of qualified hands to be directly recruited to Grade 'B' posts. Besides, there were a number of technical trainees recruited from local people. They had completed training and were waiting for absorption in the company. There was a request from the Government to absorb them (Ext. M6). These circumstances persuaded the company to downgrade 39 posts of Operator Grade 'B' to Grade 'C' and absorb technical trainees, who had successfully completed the training to those posts. This is seen from paragraph 5 of the additional written statement of the management. Now the employees who were thus recruited to Operator Grade 'C' are claiming promotion to Grade 'B' on completion of 4 years' service on the ground that in Operator Grade 'B' the downgraded 39 posts are lying vacant and as and when Operator Grade 'C' employees get qualified they should be promoted to Grade 'B' vacancies. They contend that the management had fixed a cut off date as 1-1-1990 as per promotion policy, to promote qualified hands to higher grade. On the other hand the management contends that the 39 posts downgraded

were not available thereafter in Grade 'B'. Hence the demand of the workmen could not be met. The workers in Operator Grade 'C' were promoted as and when vacancy arose in Grade 'B'. Even the workmen in Operator Grade 'C' recruited prior to 1-1-1986 could not be given promotion on completion of 4 years' service and they could be promoted only from 1-1-1990 onwards. Hence the persons recruited after 1-1-1986 cannot clamour for promotion as on 1-1-1990. By claiming so they are claiming to supersede their seniors and it will affect a number of workers who are now seniors to the workmen in question. In such an event the whole seniority will have to be reviewed and benefits recalculated.

7. Ext. M10 is the list of Grade 'C' Operators recruited prior to 1.1.1986. They were recruited to Operator Grade 'C' category between 31-1-1984 and 30-7-1985. They were promoted to Grade 'B' between 28-9-1989 and 19-5-1995. Ext. M8 is the list of Operator Grade 'C' recruited after 1-1-1986 (36 in number). They were recruited between 21-1-1986 and 15-3-1993. They were given promotion to Grade 'B' between 3-4-2000 and 10-9-2001. Ext. M11 is the list of workmen involved in the dispute who were recruited to Operator Grade 'C' category between 22-1-1986 and 13-2-1992. They were given promotion to Grade 'B' between 3-4-2000 and 8-5-2000. Ext. M7 is the minutes of the meeting of Promotion Committee held on 16-10-1998. They proposed to approve and implement the draft promotion policy as the unions were not agreeable to come to a final settlement regarding promotion policy and to fix a cut off date for promotion as 1-1-1990. Ext. M7, page 2 mentions that the draft promotion policy was discussed and approved by the Board of Directors on 29-4-1998. Ext. W12 is the draft promotion policy which was approved by the Board of Directors. As per Ext. W12 Clause 3 (i) the workmen in the feeder categories mentioned in Annexure -I alone are eligible for consideration for promotion to the next higher posts mentioned in the said Annexure. The workmen are eligible for promotion on completion of 4 years of minimum service in a particular grade/post in the TP Unit {Clause 3 (iii)}. Clause 6 (d) says that the workmen should have minimum 240 days of attendance in a calendar year to qualify for promotion. Clause 8 says that actual promotion will be effected after the panel for promotion, drawn up by the promotion committee, is approved by the Managing Director or other authority. Clause 13 (i) says that where any vacancy is to be filled up temporarily for a continuing period of less than 15 days pending regular appointment by promotion or direct recruitment, the vacancy may be filled up by giving officiating promotion to the eligible workmen in the feeder categories on temporary basis. Clause 13 (ii) says that a workman temporarily promoted on officiating basis shall stand reverted to his original post when the higher post is filled up on regular basis. 'Annexure A' contains the list of workmen in different categories in different grades. The decision to promote Operator Grade 'C' workmen was taken by the company on 19-10-2000 and

was approved by MD on 23-10-2000. Ext. M9 is the document containing the decision and the approval. A list of suitable Operator Grade 'C' for promotion to Operator Grade 'B' is appended to Ext. M9 as Annexure -II. 34 persons were recommended for promotion. The date recommended for promotion is between 1-4-2000 and 2-9-2000.

8. As already mentioned, the main contention of the management is that neither as on 1-1-1990 nor any time before 2000 there was any vacancy in Grade 'B' in order to give promotion to Grade 'C' Operators. The second contention is that the promotion policy did not envisage promotions of Operator Grade 'C' but other categories only. It is not true. As per promotion policy, Ext. W12, in areas where there were no promotion chances a scheme was formulated to divide such posts into more than one grade for the purpose of career advancement. However the post of Operator is not covered by Clause 7. This contention is raised in paragraph 9 of the written statement of the management. Ext. W12, Clause 7 shows that in several posts, either due to lack of higher posts or strength in the post, the promotional prospects were bleak. Hence such posts were divided into different grades for the purpose of career advancement. But that does not mean that other categories of workmen are not eligible for promotion. Clause 3 (iii) says that workmen are eligible for promotion on completion of 4 years of minimum service in a particular grade/post in TP Unit.

9. The other main contention that there was no vacancy in 1990 or prior to 2000, is without merits. It is no doubt true that 39 Operator Grade 'B' posts were downgraded to Grade 'C' on 4-7-1986 as per Exts. M4 & MS. However Ext. M4 shows that though 39 posts in Grade 'B' were downgraded there was no corresponding abolition of 39 posts in Grade 'B' or creation of additional 39 posts in Grade 'C'. In other words there was no permanent reduction of 39 posts in Grade 'B', but it was only a temporary arrangement as was required in the circumstances in 1986. It is already mentioned that in order to accommodate the technical trainees and since there was no qualified hands for selection to the post of Grade 'B' 39 posts in Grade 'B' were downgraded. Moreover, the very officer of the company, MW1 has admitted in the proof affidavit (page 6) that no Grade 'B' post of Operator was at any time abolished by the management. He admitted in the cross examination (page 2) that downgrading of Operator Grade 'B' to Grade 'C' was only an adjustment and no posts were either abolished or created either in the higher grade or in the lower grade:

OTHER THAN ENGLISH LANGUAGE

When this deposition of MW1, who is the legal officer of the company is considered along with Ext. M4 decision to downgrade 39 posts of Operator Grade 'B' and Ext. W12 promotion policy approved by the Board, it has to be said that the downgrading of Grade 'B' post was only

a stop-gap arrangement and not a permanent set up and was to be reviewed as and when there were eligible candidates for promotion from Grade 'C' to Grade 'B'. There is no merit in contending that there were only 30 Operator Grade 'B' posts after down-grading of 39 posts on 3-7-1986. All the 39 posts were available in Grade 'B'. However there were no qualified hands as on 4-7-1986 to fill up those vacancies in Grade 'B'. That was one of the reasons for downgrading 39 posts from Grade 'B' to 'C'. If the management had decided to permanently retain all the 39 posts in Grade 'C' they could not have taken a decision to promote 34 Operator Grade 'C' personnel to Grade 'B' at a stretch (vide Ext. M9 Annexure-II) in April 2000. So much vacancy, in the normal course, is not likely to arise in a higher grade. Had there been an intention for the management to abolish and cancel 39 posts in Grade 'B' they would have mentioned so in Ext. M4. Therefore it has to be said that all the 39 vacancies in Grade 'B' Operator posts were there in 1986 and thereafter until they were filled up. Therefore on the ground that there were no vacancies, the management was not justified in denying promotion prior to 2000. The qualification for promotion is 4 years in the feeder category and a service for 240 days in a calendar year. The company has no case that any of the workmen in this case had any disqualification for promotion.

10. There was yet another contention raised by the management that since there was no consensus between management and unions regarding promotion policy, in order to tide over the difficulty in the functioning of the company, the latter had decided to give officiating promotion to eligible candidates to higher grade (Operator Grade 'B'). All those officiating promotees thereafter were regularized when promotion policy was approved on 23-10-2000. But it is to be noted that the decision to regularize the officiating promotees is against promotion policy approved by the management. Ext. W12 is the promotion policy. Clause 13 (ii) says that a workman temporarily promoted on officiating basis shall stand reverted to his original post as and when higher post is filled up on regular basis or so ordered by the management. The management, based on the recommendation of the promotion committee recorded in Ext. M7 minutes of the meeting, decided to regularize all those who were given officiating promotion and to fix the cut off date for promotion as 1-1-1990. It is to be noted that in page 2 of Ext. M7, after granting approval to the proposed promotion policy by the Board, the promotion committee was asked to study the promotion policy approved by the Board and make recommendation regarding implementation. But the committee, instead of recommending the mode of implementation in accordance with promotion policy, deviated from the approved policy and suggested their own policy, for regularizing officiating promotees. I have already referred to the approved policy under Clause 13 (ii) of Ext. W12, which specifically says that all those promoted

on officiating basis shall be reverted when those higher posts are filled up on regular basis. Flouting this clause in the promotion policy the management implemented its own policy based on the recommendation of promotion committee. It has no legal legs to stand. The promotion has to be given in accordance with seniority and qualification to all those in Operator Grade 'C' irrespective of any promotion given on officiating basis. The action of the management in regularizing officiating promotees in Operator Grade 'B' and denying promotion to workmen in Operator Grade 'C', is not legal and justified.

11. It was lastly contended by the management that if the aggrieved workmen are given promotion with retrospective effect prior to 2000 the whole seniority of workers will be affected and there will be lot of confusion in the administrative section regarding fixing of pay and financial benefits etc. But that is no reason to deny the right of some of the employees. If the management is in the wrong, they have to remedy it also. Ext. M10 is the list of Operators Grade 'C' recruited prior to 1-1-1986. They were promoted to Grade 'B' category sometime between 28-9-1989 and 20-4-1994. Ext. M8 is the list of persons recruited after 1-1-1986. They were eligible for promotion only after 4 years. Accordingly, the earliest of them were eligible for promotion only by 21-1-1990. Some were recruited in 1992 and 93 and they could get promotion only in 1996 and 1997. Before the eligibility for promotion of the aggrieved workmen arose, the persons recruited prior to the aggrieved workmen got promotion between 1-1-1990 and 7-4-2000. But as per promotion policy, even they were eligible to get promotion on 1-1-1990. But the management did not do so. In case the grievance of the workmen are considered and restructured even the persons recruited prior to 1-1-1986 are also eligible to get similar benefits, being seniors to the aggrieved workmen. If the promotion policy is strictly followed and promotions are given retrospectively on due dates of promotion according to the vacancy, there is no room for any anomaly or loss of seniority or benefits to anyone and hence senior workmen can have no grievance. Perhaps, the date of promotion of some of the seniors will have to be reviewed and re-fixed without affecting their seniority. But for the fault of the management the workmen herein cannot suffer. For the reasons stated above, I find that the claim of the workmen (listed in Ext. M11) is legal and justified. They are eligible to get promotion on completion of 4 years' service in the feeder category. Since there is long delay in deciding the date of promotion of the workmen it may not be proper to direct the management to pay wages from the respective dates of promotion. It would be fair to limit it from the date on which the management took a decision to implement the promotion policy, i.e. on 23-10-2000. However they are entitled for fixation of pay.

12. In the result, an award is passed finding that the action of the management in not giving up-gradation to Grade 'C' Operators to Grade 'B' with retrospective effect

on completion of 4 years service in the post of Grade 'C' Operator, is not legal and justified. They are entitled for promotion on completion of 4 years service in Operator Grade 'C' post from the respective dates of joining service in the lower grade. However they are not entitled to financial benefits prior to 23-10-2000, the date of approval of promotion policy by the company. However they are entitled for fixation of pay from the respective dates of promotion. No cost. The award will take effect one month after its publication in the official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 15th day of December, 2006.

P.L. NORBERT, Presiding Officer

APPENDIX

Witness for the Union:

WW1-B. Anil Kumar.

Witness for the Management:

MW 1 - N.K. Anil Kumar.

Exhibits for the Union:

- W1 - Memorandum & Articles of Association of the KMML.
- W2 - Photostat copy of letter No. TP/PD/PL.5/90 dated 24-9-1990 issued by the management to unions.
- W3 - Photostat copy of Personal Order No. 197/99 dated 27-7-1999 issued by the management to Shri P.P. Ambrose.
- W4 - Photostat copy of Personal Order No. 303/99 dated 12-11-1999 issued by the management to Shri P. Francis and Shri S. Shafy.
- W5 - Photostat copy of Personal Order No. 304/99 dated 15-11-1999 issued by the management to Shri P.N. Asokan.
- W6 - Photostat copy of Personal Order No. 305/99 dated 15-11-1999 issued by the management to Shri P. Vijayendran.
- W7 - Photostat copy of Personal Order No. 306/99 dated 15-11-1999 issued by the management to Shri Bahanan Tharakan.
- W8 - Photostat copy of Personal Order No. 307/99 dated 15-11-1999 issued by the management to Shri V. Francis and Shri K.R. Prince.
- W9 - Photostat copy of Personal Order No. 308/99 dated 15-11-1999 issued by the management to Shri M.R. Raghu.
- W10 - Photostat copy of Personal Order No. 310/99 dated 15-11-1999 issued by the management to Shri R. Sreekumar and Shri M.A. Hameed Kunju.

- W11 - Photostat copy of Personal Order No. 311/199 dated 15-11-1999 issued by the management to Shri Manuel and Shri K. Sreekumar.
- W12 - Photostat copy of the guidelines for promotion.
- W13 - Photostat copy of Personal Order No. 187/99 dated 27-7-1999 issued by the management
- W14 - Photostat copy of Personal Order No. 194/99 dated 27-7-1999 issued by the management.
- W15 - Photostat copy of Personal Order No. 271/00 dated 24-10-2000 issued by the management.
- W16 - Photostat copy of advertisement dated 15-5-1983 published by the Management in the 'Malayala Manorama' daily.

Exhibits for the Management:

- M1 - Photostat copy of details of posts sanctioned by Board of Directors and the existing strength of personnel dated 19-5-1986.
- M2 - Photostat copy of Agenda for the 79th Meeting of Board of Directors of KMML.
- M3 - Extract of the Minutes of the 79th Meeting of Board of Directors of KMML dated 12-6-1986.
- M4 - Photostat copy of 80th Board Meeting dated 4-7-1986.
- M5 - Extract of the Minutes of the 80th Board Meeting dated 4-7-1986.
- M6 - Photostat copy of letter No. 13210/H3/89/ID dated 18-7-1989 issued by Industries Deptt. to the Managing Director, KMML.
- M7 - Photostat copy of Minutes of the Meeting of Promotion Committee dated 16-10-1998.
- M8 - Statement of Operator Grade 'C' recruited after 1-1-1986 and promoted to Operator Grade 'B' on or after 4-2000.
- M9 - Copy of Note No. PT/PD/PR-7/00 dated 19-10-2000 of DGM, KMML reg. promotion of Grade 'C' Operators.
- M10 - List of Operator Grade 'C' recruited initially prior to 1-1-1986.
- M11 - List of Operators involved in the dispute showing date of promotion and date of sanction of higher grade.
- M12 - List of senior batch of Operators who joined Grades 'A', 'B' & 'C' in the year 1984 and 1985.
- M13 - List of senior batch of Operators who joined Grades 'A', 'B' & 'C' in the year 1983 and 1985.

नई दिल्ली, 17 जनवरी, 2007

का.आ. 421.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओ.एन.जी.सी. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ संख्या आई.डी. 4/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-1-2007 को प्राप्त हुआ था।

[सं. एल-30012/66/2005-आई आर (एम)]

एन.एस. बोरा, डेस्क अधिकारी

New Delhi, the 17th January, 2007

S.O. 421.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. I.D.4/2006) of the Central Government Industrial Tribunal/Labour Court, Chennai now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of ONGC and their workmen, which was received by the Central Government on 17-1-2007.

[No.L-30012/66/2005-IR (M)]

N. S. BORA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Friday, the 27th October, 2006

PRESENT : K. JAYARAMAN Presiding Officer

Industrial Dispute No. 4/2006

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of ONGC and their workmen)

BETWEEN

Shri S. Ruben : I Party/Petitioner

AND

The Senior Personnel & Administrative Officer : II Party/Management
ONGC, Chennai.

APPEARANCE

For the Petitioner : None

For the Management : M/s. King & Partridge,
Advocates

AWARD

The Central Government, Ministry of Labour vide Order No. L-30012/66/2005-I.R. (M) dated 3-02-2006 has referred the dispute to this Tribunal for adjudication. The Schedule mentioned dispute is as follows :—

“Whether the action of the management of ONGC in terminating the service of Shri S. Ruben, an ex-caretaker is legal and justified? If not, to what relief the workman is entitled to?”

2. After the receipt of the reference, it was taken on file as I.D. No. 4/2006 and notices were issued to both the parties. After receiving the notice, the Petitioner appeared in person and prayed time for filing claim statement and also prayed time for engaging a lawyer on his side. The Respondent appeared through their advocate. But, subsequently the Petitioner never appeared and therefore, he was called absent and set ex-parte. The Respondent filed a memo of objection.

3. The allegations in the memo of objection filed by the Respondent are briefly as follows :—

4. Though the Petitioner alleged before the Regional Labour Commissioner that he has joined the services of the Respondent/Management as a caretaker, he has not produced any proof to show that he has worked as a caretaker. From the beginning, the Respondent contended that the Petitioner was never appointed as a caretaker and the Respondent being a Public Sector Undertaking can appoint candidates in a specific vacancy and the candidate should be selected in accordance with recruitment and promotion rules. Since the Petitioner was never engaged by ONGC the question of retrenchment does not arise at all. Hence, the Respondent prays that the claim may be dismissed with costs.

5. In these circumstances, the points for my consideration are—

(i) “Whether the alleged termination of the services of Petitioner is true?”

(ii) To what relief the Petitioner is entitled?”

Point No. 1:—

6. The Petitioner raised a dispute on the allegation that he was engaged by the Respondent/Management as a caretaker and he was retrenched by the Respondent without any reason and therefore, he prays for reinstatement with consequential relief. As against this, the Respondent contended that the Petitioner was never engaged as a caretaker under ONGC and ONGC being a Public Sector Undertaking can appoint candidates in a specific vacancy and the candidate should be selected in accordance with recruitment and promotion rules. It is further alleged that there is no post as caretaker in ONGC and the Petitioner was not recruited for the alleged post at any time. Therefore, the burden of proving the fact that the Petitioner was appointed as a caretaker under Respondent/Management is upon the Petitioner. But, the Petitioner has not appeared before this Tribunal nor filed any document to establish his case. He remained ex-parte. Under such circumstances, I find the allegation that the Petitioner was appointed as caretaker under Respondent/Management is not true and therefore, I find the 1st point against the Petitioner.

Point No. 2 :-

Then the next point to be decided in this case is to what relief the Petitioner is entitled?

7. In view of my foregoing finding that the Petitioner has not established the fact that he was engaged as caretaker under the Respondent/Management, I find the Petitioner is not entitled to any relief. No Costs.

8. Thus, the reference is disposed of accordingly.

(Dictated to the PA. transcribed and typed by him. corrected and pronounced by me in the open Court on this day the 27th October, 2006.)

K. JAYARAMAN, Presiding Officer

Witness Examined: On either side : None

Documents Marked: On either side : nil

नई दिल्ली, 17 जनवरी, 2007

का.आ. 422.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम आर एल इन्डकोसर्व को ऑपरेटिव सोसाइटी लिमिटेड के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ संख्या/आई.डी.2/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार की 17-1-2007 को प्राप्त हुआ था।

[सं. एल-30012/72/2005-आई आर (एम)]

एन. एस. बोर, डेस्क अधिकारी

New Delhi, the 17th January, 2007

S.O. 422.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. I.D.2/2006) of the Central Government Industrial Tribunal/Labour Court, Chennai now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of MRL Indcoserve Co-operative Society Ltd. and their workmen, which was received by the Central Government on 17-1-2007.

[No. L-30012/72/2005-IR (M)]

N. S. BORA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Wednesday, the 25th October, 2006

PRESENT: K. JAYARAMAN, Presiding Officer

INDUSTRIAL DISPUTE No. 2/2006

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of MRL Indcoserve Co-operative Society Ltd. and their workmen)

BETWEEN

Sri S. Sanjeevi : I Party/Petitioner

AND

The Assistant Director/Special Officer,
MRL Indcoserve Co-operative Society Ltd.
Chennai. : II Party/Management

APPEARANCE

For the Petitioner : M/s. K. Desingh, Advocates

For the Management : M/s. S. Jayaraman, Advocates

AWARD

The Central Government, Ministry of Labour vide Order No. L-30012/72/2005-IR (M) dated 24-01-2006 has referred the dispute to this Tribunal for adjudication. The Schedule mentioned dispute is as follows:-

"Whether the action of the management of MRL Industrial Co-operative Service Society Limited, Manali, Chennai in terminating the services of Shri S. Sanjeevi is legal and justified and if not, to what relief the workman is entitled?"

2. After the receipt of the reference, it was taken on file as I.D. No. 2/2006 and notices were issued to both the parties and they have entered appearance through their advocates and filed their Claim Statement and Counter Statement respectively.

3. The allegations of the Petitioner in the Claim Statement are briefly as follows:

The Petitioner joined the Respondent/Management in the year 1983 as a manual labourer and he was appointed as a plumber and he subsequently served for more than 13 years under the Respondent/Management. While so, to his surprise, he was suspended from service on 1-7-96 alleging that criminal charges punishable under section 379 & 380 of IPC in Crime No. 250/96 is pending against the Petitioner before the Manali police station. The Respondent/Management has also accused the Petitioner and other employees for removing materials and machinery of the company from the premises of the Respondent and they called upon the Petitioner to give his explanation. Though the Petitioner has given explanation, the Respondent/Management has not satisfied with the explanation and has ordered domestic enquiry. The Petitioner has appeared before the domestic enquiry and participated in the same. While so, he has received additional show cause notice dated 7-10-97 stating that the Petitioner was found guilty by standing order of the Respondent company, in that also, enquiry was ordered and the enquiry was conducted as an eye wash blindly supporting the malicious and ulterior intention of the Respondent. In the enquiry, the Petitioner was not permitted to cross examine the witnesses and therefore, domestic enquiry was biased, perverse and partial, since the Enquiry Officer mainly relied on the documents for his findings which is neither just nor can be sustained. Any how, the Respondent dismissed the Petitioner from service on 12-11-97 with immediate effect. While so, in the criminal case filed against the Petitioner and others, the Petitioner was found innocent and acquitted

of all charges by the learned Magistrate vide order dated 28-5-2001. Even after that the Respondent has not reinstated him into service and therefore, the Petitioner has raised a dispute before the labour authorities. Hence, the Petitioner prays to reinstate him into service as a permanent employee of Respondent company with all back wages and all other benefits.

4. As against this, the Respondent in its Counter Statement alleged that the dispute raised by the Petitioner is invalid and incompetent and it is highly belated. The Petitioner was dismissed from service for the proved misconduct by an order dated 12-11-97. The present dispute has been raised after a period of 8 full years. On this sole ground itself, the dispute is liable to be rejected. The Petitioner was issued with charge sheet along with other workmen having committed theft of welding generator and welding machine in the year 1995 and 1996 respectively. No doubt, in the criminal case No.89/ 1998 the Hon'ble Magistrate was pleased to hold that the charges have not been established beyond doubt and acquitted them on the ground of benefit of doubt by his order dated 28-5-2001. In the explanation given by the Petitioner, the Petitioner has not given any satisfactory reply and therefore, the Enquiry Officer after due enquiry and after analysing the entire evidence has submitted his report stating that charge framed against the Petitioner has been proved. Having regard to the seriousness and gravity of the misconduct, the Respondent/ Management decided to dismiss him from service and after following the procedure by an order dated 12.11.97 the Respondent/ Management dismissed the Petitioner from service. Thus, he has been dismissed from service for proved misconduct and therefore, he is not entitled to any relief. The Petitioner was suspended by way of punishment and the period from 10-11-92 to 26-11-92 during which time, they were kept under suspension pending enquiry was confirmed as punishment. On 4-11-95 there was another complaint against the Petitioner and he was kept under suspension pending enquiry and even during the suspension pending enquiry, the unauthorisedly entered the factory for which again another charge sheet was issued to him on 8-11-1995. Since the explanation submitted by the Petitioner was not satisfactory, domestic enquiry was conducted in respect of the charge sheet dated 7-11-95 and 8-11-95, wherein the charges have been proved and therefore, the period of suspension was confirmed as punishment by way of suspension. The Petitioner along with other workers removed the welding generator and welding machine belonging to the Respondent which are worth Rs.1,45,000/ and Rs.1,00,00/- respectively. Hence, the allegation made by the Petitioner is contrary to the facts and are not correct. Hence, for all these reasons, the Respondent prays that the claim may be dismissed with costs of Respondent.

5. In these circumstances, the points for my consideration are:—

(i) "Whether the action of the Respondent/ Management in terminating the services of the Petitioner is legal and justified?"

(ii) "To what relief the Petitioner is entitled?"

Point No.1:—

6. After filing of Claim Statement and Counter Statement, the matter was posed for several hearings for filing of documents and for enquiry. But, neither party turns up for conducting enquiry in this dispute. After several hearings, both parties were set ex-parte.

7. Since both parties are not interested in conducting the enquiry and prosecuting this dispute, I find 'No relief Award' can be passed against both parties. Ordered accordingly. No costs.

8. Thus, the reference is disposed of accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 25th October, 2006.)

K. JAYARAMAN, Presiding Officer

Witnesses Examined:—

On either side NONE

Documents Marked:

On either side Nil

नई दिल्ली, 17 जनवरी, 2007

का.आ. 423.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिविल एविएशन ट्रेनिंग कॉलेज के प्रबंधन के संबंध में निर्यातकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या/आई.डी.18/2001,2/2002,9/2002 और 21/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-1-2007 को प्राप्त हुआ था।

[सं. एल-11012/15/2001-आई आर (एम)]

[सं. एल-11012/16/2001-आई आर (एम)]

[सं. एल-11012/12/2001-आई आर (एम)]

[सं. एल-11012/18/2001-आई आर (एम)]

एन. एस. बोरा, डेस्क ऑफिसर

New Delhi, the 17th January, 2007

S.O. 423.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. I.D. 18/2001,2/2002,9/2002 & 21/2001) of the Central Government Industrial Tribunal Labour Court, Kanpur now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Civil Aviation Training College and their workmen, which was received by the Central Government on 17-1-2007.

[No. L-11012/15/2001-IR (M)]

[No. L-11012/16/2001-IR (M)]

[No. L-11012/12/2001-IR (M)]

[No. L-11012/18/2001-IR (M)]

N. S. BORA, Desk Officer

ANNEXURE**BEFORE SRI SURESH CHANDRA PRESIDING
OFFICER CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT SARVODAYA
NAGAR, KANPUR, U.P.****Industrial Dispute Nos : 18 of 2001, 2 of 2002, 21 of 2001,
9 of 2002****BETWEEN**

Mohammad Khalid Mahboob
S/o Mohammad Mahboob Raza I.D. No. 18 of 2001
R/o 200 Harwara Dhoomanganj
Allahabad.

Munna Lal Kushwaha
S/o Ram Nath Kushwaha
35/38 Kushwaha Nagar I.D. No. 2 of 2002
Poghat Bamrauli
Bamrauli Allahabad.

Sh. Subhash Singh
S/o Daroga Singh I.D. No. 9 of 2002
Village Chirla Munjapata Post Ganja
Chail Allahabad.

✓ Sh. Nagesh Kumar Shukla
S/o Babu Lal Shukla I.D. No. 21 of 2001.
Village Alpi Ka Pura Post Atrampur
Sarano Distt. Allahabad.

AND

Principal
Civil Aviation Training College
Bamrauli
Allahabad.

AWARD

1. Central Government, Ministry of Labour, *vide* Notification Nos. L-11012/15/2001 CIR (M) dated 31-10-2001 L-11012/16/2001 IR (M) dated 6-8-2002, L-11012/12/2001 CIR (M) dated 6-8-2001 and L-11012/18/2001 CIR (M) dated 9-10-2001 has referred the following disputes for adjudication to this Tribunal :—

“Whether the action of the management of Civil Aviation Training College Bamrauli, Allahabad, in terminating the services of Sh. Mohd. Khalid Mehboob w.e.f. 14-1-99, Sri Subhash Singh son of Daroga Singh w.e.f. 1-11-99, Nagesh Kumar Shukla son of Babulal Shukla w.e.f. 1-9-99 Munna Lal Kushwaha w.e.f. 1-11-99 is justified? If not to what relief the workman is entitled?”

2. It is unnecessary to give full facts of the case none of the worker has adduced his evidence in support of their claim. Workers were debarred from adducing their evidence as they failed to put their appearance before the tribunal on the date when the case was fixed for evidence of parties i.e. on 20-9-06. The representative for the management also put an endorsement on the ordersheet to the effect that since the workers have failed to lead evidence in the case in support of their respective claims, management

too is not willing to adduce evidence in the case. In view of this position it is quite obvious that virtually it is a case of no evidence, therefore, the workers cannot be held entitled for the relief claimed by them. Even other wise also a perusal of the statement of claim filed by each workers (supra) it is abundantly clear that they have not mentioned of date of their appointment. When there is no mention of date of appointment how it can be presumed that their services were ever terminated by the opposite party from the date as claimed by them. From this point of view the statement of claim appears to be a vague one and on the basis of vague statement of claim, workers cannot be held entitled for any relief what so ever as claimed by them.

3. For the reasons discussed above, each workman is not entitled for any relief as claimed by them in their respective cases. Award is given accordingly against the workman and in favour of management opposite party. Let a copy of this award be placed on the record of each case.

SURESH CHANDRA, Presiding Officer

नई दिल्ली, 17 जनवरी, 2007

का.आ. 424.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. इंडियन रेअर अर्थस लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, इनाकुलम के पंचाट (संदर्भ संख्या/आई.डी.3/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-1-2007 को प्राप्त हुआ था।

[सं. एल-42011/3/2005-आई आर (एम)]

एन. एस. बोरा, डेस्क अधिकारी

New Delhi, the 17th January, 2007

S. O. — In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. I.D.3/2005) of the Central Government Industrial Tribunal/Labour Court, Ernakulam now as shown in the Annexure, in the Industrial Dispute between the employer in relation to the management of M/s. Indian Rare Earths Ltd. and their workmen, which was received by the Central Government on 17-1-2007.

[No. L-42011/3/2005-IR (M)]

N. S. BORA, Desk Officer

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM**

Present : Shri P. L. Norbert, B.A., L.L.B.,
Presiding Officer

(Monday the 18th day of December, 2006 / 27th
Agrahayana, 1928)

I.D. 3/2005

Workman/Union : Shri Sivakumar Shenoy Represented
by General Secretary IRE Staff &

Workers Union Indian Rare Earths
Limited, Udyogamandal, Kerala

Adv. Shri K.S. Madhusoodanan.

Management : The Head, RE Division, M/s. Indian
Rare Earths Ltd., Rare Earths Division,
Udyogamandal, Kerala

Adv. Shri John K. Mathai.

AWARD

This is a reference made by Central Government under Section 10 (1)(d) and (2A) of Industrial Disputes Act, 1947 to this court for adjudication.

2. The reference is :

“Whether the action of the management in reduction of one increment with cumulative effect and also recovering transport subsidy from his salary is correct or not? If not, to what relief the workman is entitled?”

3. On 30-12-2005 an award was passed by this court modifying the punishment imposed by the disciplinary authority. The matter was challenged before the Hon'ble High Court in writ petitions 8546/06 & 11644/06 which was disposed off on 22-5-2006. To review the judgement two review petitions were filed as R.P.539/06 & 542/06 on 31-7-2006. As per the order in the review petitions the Hon'ble High Court has observed that the management does not want to rely on the domestic enquiry and its proceedings, but wants only to rely on the evidence adduced before Labour Court to prove the charges. Accordingly the High Court has directed this court to proceed with the consideration of the evidence adduced before this court regarding misconduct. The award was set aside and matter was remanded to decide the dispute afresh as an open remand. After the remand no fresh evidence was adduced, but the matter was argued by both sides on the basis of the evidence already adduced.

That evidence consists of the oral testimony of WW1 and documentary evidence of Exts. W1 to W4 on the side of union and MW1 and Exts. M1 to M12 on the side of the management.

4. The facts in brief are as follows:-

The workman, Shri Sivakumar Shenoy is represented by Union. According to the workman, he is a tradesman of Indian Rare Earths Ltd., Udyogamandal and he joined Service in 1987. In 2001, alleging that he had availed transport subsidy from 24-1-2000 onwards illegally, a memo was issued to him by the management. Though he gave a reply denying the allegations he was charge-sheeted by the management. An enquiry was conducted. The finding was that he was not guilty. But the disciplinary authority differed with the view of enquiry officer and imposed punishment. Though an appeal was filed it was rejected by the Appellate Authority. The finding of the disciplinary authority is not based on materials and the punishment imposed is illegal and unfair. It is contended that the workman had informed management in writing that he was residing at Kumbalangi, his native place, from 24-1-2000

and thereafter on 29-11-2000 that he was shifting his residence to Kalamassery from 1-12-2000 onwards. So, he has not violated any standing orders.

5. The management contends that there is no industrial dispute and quantum of punishment cannot be questioned by a reference u/s-10 of I.D. Act. The reference is not maintainable. The worker on the basis of a false declaration obtained transport subsidy for the period from 24-1-2000 to 1-12-2000 at the rate of Rs.468/- p.m. This is in violation of certified standing orders of the company. Hence disciplinary action was initiated and an enquiry was ordered. The enquiry report was not acceptable to the Management since the finding was perverse and not based on evidence on record. Therefore, after getting explanation from the worker a punishment of reduction of one increment with cumulative effect and recovery of transport subsidy paid to him, was ordered. The report of Police Commissioner and certificate of Ration Shop dealer prove that the worker was in fact residing at Kalamassery. There is no unfair labour practice. It is a proved misconduct.

The action of management disagreeing with the findings of Enquiry Officer is legal and correct

6. The points that arise for consideration are:

- (1) Is the reference maintainable?
- (2) Is the finding sustainable?
- (3) Is the punishment proper?

Point No. (1):

7. According to the management the reference is unsustainable as it is confined to punishment only. The finding is not challenged by the union and there is no reference regarding the finding of enquiry officer. Since the punishment is reduction of one increment with cumulative effect and recovery of transport subsidy from the salary of the workman the Labour Court has no power to interfere with the punishment. This court can go into the proportionality of the punishment only in case of discharge or dismissal of an employee.

8. No doubt, as per the wording of the reference it may appear that the dispute is confined to punishment portion only. However there is enough case law to show that though the wording of the reference is unhappy, the intention of the worker in raising the dispute can be gathered from his pleadings and the evidence adduced in the case. If the parties are at issue on the aspect of correctness of the findings of enquiry officer, the reference is to be treated as one where both findings and punishments are challenged. The pleadings and evidence in this case go to show that it is not only the punishment but the findings as well are challenged by the union. Now that the management does not want to rely on the evidence adduced before the enquiry officer and report of enquiry officer, but wants to prove the charges independently before this court, it follows that the management is no more clinging on to the contention that the reference is with regard to punishment only. Besides, in this case the

finding of the enquiry officer was that the workman was not guilty of the charges levelled against him. The disciplinary authority differed from the findings of enquiry officer and entered its own findings that the workman is guilty. Hence a punishment, of reduction of one increment with cumulative effect and recovery of transport subsidy from the salary of the workman, was imposed. This finding of the disciplinary authority is not accepted by the workman, as can be seen from the pleadings in the claim statement. Hence it has to be found that both findings and punishment of the disciplinary authority are challenged by the workman. Hence both aspects are to be considered by this court. If so, the reference is definitely maintainable and there can be no quarrel about it by the management. Point is answered accordingly.

Point No. (2):

9. The allegation against the workman is that he had, by false declaration, obtained transport subsidy for journey from the company at Eloor to Kumbalangi, worker's native place, for the period from 24-1-2000 to 29-11-2000. The worker had given an application for transport subsidy to the company. Ext. M2 is the application. The company had allowed Rs.468/- per month as transport subsidy for the period from 24-1-2000 to 29-11-2000. The workman on 29-11-2000 gave a letter to the company intimating the company that he was shifting his residence to Kalamasserry from 1-12-2000 onwards (Ext. M3). The worker was examined as WW1 and he said that prior to 2000 he had not claimed transport subsidy for journey from Eloor to Kumbalangi, but only for the journey from Eloor to North Kalamasserry where he was residing till 2000 and thereafter from 1-12-2000 onwards. However the management on 11-6-2001 issued a memorandum to the worker alleging that it was on the basis of a false declaration that he was getting transport subsidy for journey from Eloor to Kumbalangi. Whereas he was actually residing in North Kalamasserry and was asked to show cause why action shall not be initiated against him. Ext. M4 is the memorandum. Thereafter a charge sheet was issued on 3-8-2001 (Ext. M6). A domestic enquiry was conducted. The enquiry officer found that the workman was not guilty. The disciplinary authority differed and recorded a finding against the workman (Ext. M7) and a final order was passed on 25-3-2004 imposing the punishment of reduction of one increment with cumulative effect (Ext. M9). Though an appeal was filed it was rejected. (Ext. M11).

10. The disciplinary authority differed from the findings of the enquiry officer relying on three documents. One is Ext. M12, voters' list of North Kalamasserry Municipality of 2000. The second one is a declaration of a ration shop owner at North Kalamasserry (not marked). The third document is Police Commissioner's report regarding the character of the workman and his residence (not marked).

11. Ext. M12 is voters' list of North Kalamasserry Municipality of 2000. Sl. Nos. 305 & 306 are in respect of the worker and his wife. The ward number is IV. House No.

is 288. It is the details collected in January 2000. The last column of page 2 of Ext. M2 mentions age of voters as on 1-1-2000. Naturally, the details in the voters' list were collected prior to 1-1-2000. But the period of dispute is between 24-1-2000 to 29-11-2000. The voters' list, thus, will not show that during the relevant period the worker was residing in the house mentioned in Ext. M12 in the North Kalamasserry. It is the consistent case of the workman both in pleadings and evidence that since 1992 his name was there in the voters' list of Kalamasserry Municipality. He also admits that himself and his family, except his father, had been residing in North Kalamasserry since 1992. According to him (WW1) he is the only son of his father. The other children are daughters and they are residing with their husbands. The workman is a native of Kumbalangi. Even though himself, his wife and two children along with mother-in-law were residing in North Kalamasserry his parents were in Kumbalangi. During the period 2000 since his father was alone in the native place at Kumbalangi the workman started residing in Kumbalangi till the end of November, 2000. It is thereafter on 1-12-2000 he came back and started residing at North Kalamasserry after bringing his father to North Kalamasserry. It is during this period of 10 months that he had resided at Kumbalangi, he claimed transport subsidy for the journey from Eloor to Kumbalangi and never before or after the disputed period. Ext. M2 is the application of the worker for transport subsidy. Thus the voters' list banked on by the disciplinary authority to prove the charges against the workman will not be of any help to the management.

12. The next document relied on by the disciplinary authority is a letter from a ration shop at Kalamasserry. This document is not marked. However, in Ext. M7 memorandum issued by the disciplinary authority to the workman this document is referred. The letter was issued from the ration shop on 25-5-2002 and it is seen signed by proprietor Aboobecker. The said Aboobecker had died on 23-12-1999. The death of Aboobecker is not disputed and is mentioned by the disciplinary authority in Ext. M7. But, according to the disciplinary authority the signature in the letter is not subscribed by Aboobecker, but someone else. The conclusion of the disciplinary authority is that since the proprietor Aboobecker had expired in 1999 he could not have issued a certificate in 2002. Therefore, according to him, the letter is signed by somebody in charge of the ration shop and not by Aboobecker. Since the name of signatory is Aboobecker the signature also must be his or else the signature should have been for and on behalf of Aboobecker. Nobody from the ration shop was examined. Until the management is able to prove that the letter was issued from the concerned ration shop and was signed by the proprietor in charge or proprietor no reliance can be placed on it, as it is a letter signed by a dead person.

13. The third document is a report from Police Commissioner dated 10-7-2003. But this document is also not marked. However the document is in the file. This was produced by the management after the argument and on the penultimate day when the original award was passed

by this court on 30-12-2005. Hence it was not marked. However, even after the remand it is not tendered in evidence. In the like manner, two more documents were produced along with police report and they too were not marked. However the issue cannot be decided without looking into those original documents as they were relied on by the disciplinary authority to enter a finding against the workman. Hence I refer to those three documents. Of these 3 documents, one is a report of Police Commissioner dated 10-7-2003. The report is regarding the character and antecedents of 18 employees of the company. But nothing adverse was reported against anyone. However at the end of the report it is added that the workman was residing at North Kalamasserry and not at Kumbalangy during the period from 15-1-2000 to 1-12-2000. According to the disciplinary authority this is a very authentic document and it is more valuable than the certificate of a Village Officer or an Executive Officer. However it is not known what made the Police Commissioner to report about the residence of the workman especially with regard to the period from 15-1-2000 to 1-12-2000. In respect of the remaining 17 persons no such remarks are mentioned in the report. According to the management the said remarks were made by police in pursuance to the request of the management dated 13-5-2003 and 9-6-2003. The letters addressed to the police commissioner are in the file as mentioned above. However neither letter dated 13-5-2003 nor letter dated 9-6-2003 discloses any request by the management to report about the residence of either the workman or the other 17 employees of the company. The first letter mentions that since there was possibility of Pak Intelligence Operators attempting to penetrate into vital and sensitive DAE establishments for carrying out subversive activities through employees, re-verification of character and antecedents of employees is required. The subsequent letter dated 9-6-2003 mentions that during verification the police personnel was approaching individual employees and hence the verification process was losing its secrecy. Hence the Commissioner of Police was requested to make a secret and confidential enquiry. Thus, there was no request from the company to report about the residence of any workmen. But the report specifically refers to the period from 15-1-2000 to 1-12-2000 which is the crucial disputed period. It is to be noted that the domestic enquiry in this case was started on 22-4-2003 and enquiry report was submitted to the disciplinary authority on 8-12-2003. The police report is dated 10-7-2003. Hence the police report should have been placed before the domestic enquiry officer some time during evidence or at the end of evidence. As already mentioned the report of the police regarding the residence of the workman was an uncalled report. The company was only concerned with the character and antecedents of the workman in order to know whether there was any subversive activity carried on by him. Therefore the report is to be looked into for that purpose only. Nobody from the police force was examined to prove the contents of the police report. The reliance placed on the police report is a misplaced reliance and its contents cannot be taken for granted as gospel truth without testing or verifying its veracity. Thus, none of the documents referred by the disciplinary authority and relied on by him are capable of

proving the guilt of the workman.

14. On the other hand, the workman had produced Ext. W1 to W4 on his side. Ext. W1 is a letter from President of Kumbalangy Grama Panchayat dated 8-4-2003 wherein it is mentioned that the workman was residing temporarily at Kumbalangy from 1-1-2000 to 30-12-2000. Ext. W2 is residential certificate issued by Village Officer, Thrikkakara North Village of 8-8-2003. It is certified that the workman is a permanent resident of North Kalamasserry village. However he was not residing there from January to November, 2000. Ext. W3 is certificate from Village Officer, Kumbalangy dated 12-5-2003 stating that from January 2000 to November, 2000 the workman was residing at Kumbalangy. Ext. W4 is another residential certificate issued by Executive Officer, Kumbalangy Grama Panchayat dated 24-12-1996. It is stated that the workman, as per the Assessment Register of buildings for the year 1993-94 to 1997-98, was residing in Kumbalangy Grama Panchayat. This certificate was issued on 24-12-1996 taking into account the Assessment Register of the building for the year 1997-98 also. Unless the workman explains the discrepancy in Ext. W4 that document cannot be relied on. As per Ext. W1 to W3 during the disputed period he was residing at Kumbalangy.

15. Whatever that be, the burden is on the management to prove the charges levelled against the workman. The management has not discharged that burden and the reasons given by the disciplinary authority in Ext. M7 (memo) and M9 (final order) for finding the workman guilty, are not acceptable.

Point No. (3) :

16. In view of the above findings it follows that no punishment can be imposed on the workman.

17. In the result, an award is passed finding that the management has failed to prove the charges levelled against the workman and the action of the management in imposing the punishment of reduction of one increment with cumulative effect and recovery of transport subsidy from his salary is illegal and unjust. The workman is not guilty of the charges levelled against him and hence no punishment can be imposed on him. The management has to refund the transport subsidy recovered from the workman's salary. No cost. The award will take effect one month after its publication in the Official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 18th day of December, 2006.

P. L. NORBERT, Presiding Officer

Witness for the workman :

WW 1 - Sivakumar Shenoy

Witness for the management:

MW 1 - M.V. Tomy

Exhibits for the workman:

W1 - Photocopy of Certificate issued from Kumbalangy Grama Panchayat dt. 8-4-2003.

W2 - Photocopy of Residential Certificate issued by Village Officer, Thrikkakara dt. 8-8-2003.

W3 - Photocopy of Certificate issued by Village Officer, Kumbalangy dt. 25-7-2003.

W4 - Photocopy of Residential Certificate issued from Kumbalangy Grama Panchayat dt. 24-12-1996.

Exhibits for the management:

M1 - Transport subsidy rate order dt. 27-12-1999.

M2 - Application for transport subsidy.

M3 - Declaration given by the workman dt. 29-11-2000.

M4 - Memo given to the workman dt. 11-6-2001.

M5 - Reply given by the workman dt. 14-7-2005.

M6 - Charge Sheet given to the workman dt. 3-8-2001.

M7 - Memo given to the workman dt. 18-2-2004.

M8 - Reply given by the workman dt. 27-2-2004.

M9 - The order of punishment dt. 25-3-2004.

M10 - Appeal memorandum of workman.

M11 - Order of Appellate Authority dt. 27-7-2004.

M12 - Copy of Voters' List of Ward No. IV of Kalamasserry Municipality.

नई दिल्ली, 17 जनवरी, 2007

का.आ. 425. औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एयर फ्रिट लिमिटेड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, इर्नाकुलम के पंचाट (संदर्भ संख्या/आई. डी. 74/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-1-2007 को प्राप्त हुआ था।

[सं. एल-35012/2/99-आई आर (एम)]

एन. एस. बोर, डेस्क अधिकारी

New Delhi, the 17th January, 2007

S.O. 425.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. I.D. 74/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam now as shown in the Annexure, in the Industrial Dispute between the Employers in relation to the management of Air Freight Ltd. and their workmen, which was received by the Central Government on 17-1-2007.

[No. L-35012/2/99-IR (M)]

N. S. BORA, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

PRESENT: Shri P.L. Norbert, B.A., L.L.B.,
Presiding Officer

(Friday the 29th day of December, 2006)

I.D. No. 74/2006

(I.D. 61199 of Labour Court, Ernakulam)

Workman/Union The General Secretary,
Cochin Port Trust Thozhilali Union,

Opp. Ammonium Tank 24/1652,
Kochi - 682003.

Adv. N.M. Madhu.

Management
The Manager Air Freight Ltd., Egmore
Chennai - 600 008.

Adv. M/s Menon & Pai.

AWARD

This is a reference made by Central Government under Section 10 (1) (d) of Industrial Disputes Act, 1947 for adjudication. The reference is: "Whether the management of Air Freight Ltd. Shipping Co., Cochin is justified in terminating the services of Shri P.R. Devidas w.e.f. 24-5-1998? If not, to what relief he is entitled?"

2. The parties expressed their willingness to negotiate the matter and settle it in Lok Adalat. Accordingly, the dispute was taken up in the Adalat and was mediated and settled as per an agreement signed by both sides. The agreement will form part of the award.

3. In the result, an award is passed in terms of agreement. The agreement will be annexed to the award. The award will take effect one month after its publication in the Official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 29th day of December, 2006.

P.L. NORBERT, Presiding Officer

APPENDIX : Nil.

IN THE CGIT-CUM-LABOUR COURT, ERNAKULAM

ID. No. 74/2006

The parties came to a settlement in the Lok Adalat and agreed to the following terms:

(1) The Management agrees to pay a sum of Rs.50,000 (Rupees fifty thousand only) and provident fund amount and gratuity in full and final settlement of the dispute. The worker agrees to accept the same as full and final settlement.

(2) The amount of Rs. 50,000 (Rupees fifty thousand only) will be paid within 30 days from today and the provident fund and gratuity amounts will be paid within 60 days from the date of requisition by the worker in the prescribed forms. The worker is fully agreeable to these terms.

(3) The parties agree that no further litigation will be initiated by them in respect of the services of the workman. Dated this the 29th day of December, 2006.

Workman :

P. R. DEVIDAS

Management:

P. M. RAMASAMY
Area Manager
Kerala

Counsel for Workman

1. 2.

Sd/- Sd/-

(Illegible)

Counsel for Management

Sd/-

Sd/-

(Illegible)

(P. L. Norbert)

Mediator

नई दिल्ली, 17 जनवरी, 2007

AWARD

का.आ. 426.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जे.एन.पी.टी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं.-1, मुम्बई के पंचाट (संदर्भ संख्या सीजीआईटी-15/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-1-2007 को प्राप्त हुआ था।

[सं. एल-39012/1/2001-आई आर (एम)]

एन. एस. बोरा, डेस्क अधिकारी

New Delhi, the 17th January, 2007

S.O. 426.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT-15/2001) of the Central Government Industrial Tribunal/Labour Court No. 1, Mumbai now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of J.N.P.T. and their workmen, which was received by the Central Government on 17-01-2007.

[No. L-39012/1/2001-IR (M)]

N. S. BORA, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1, MUMBAI****PRESENT:****JUSTICE GHANSHYAM DASS, Presiding Officer****Reference No. CGIT-15 of 2001**Parties : Employers in relation to the management of
The Chairman, J.N.P.T.**AND**

Mr. J.D. Kadam & 15 others.

APPEARANCES:For the Management : Mr. Lancy
D'SouzaFor the workmen : (Mr. V.G. Velankar Mr. J.P.
and A.B. Gupte) Sawant, AdvFor the workmen : (Mr. S.D. Pednekar Mr. V.S. Gharat,
& Mr. P. C. Patil) Adv.**State : Maharashtra**

Mumbai dated the 26th day of December, 2006

1. This is a reference made by the Central Government in exercise of its powers under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (the Act for short) vide Government of India, Ministry of Labour, New Delhi Order No. L-39012/1/2001-IR(M) dated 30-3-2001. The terms of reference given in the schedule are as follows :

“Whether the action of the management of JNPT Navi Mumbai, in not considering Shri J.D. Kadam and 15 others, O.S. only for the promotion to the post of Admn. Officer/Accounts Officer is legal and justified? If not what relief the workmen concerned are entitled to?”

2. The original statement of claim was filed on behalf of all the workmen on 26-7-2001 with the signature of only one workman, Mr. J.D. Kadam. The Management of Jawaharlal Nehru Port Trust (JNPT for short) filed the written statement on 28-12-2001. The authority of Mr. Kadam for signing the statement of claim on behalf of all the workmen under reference was challenged specifically.

3. During the pendency of the reference JNPT went on moving the applications for permission from the Tribunal under Section 33(1)(a) of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act) and the said permission had been granted by the Tribunal by means of which JNPT was given liberty to consider the promotion and fill up the vacancy subject to outcome of the reference. In this background, the JNPT has promoted a number of candidates.

4. At present, the reference is contested only by two workmen namely Sanjay D. Pednekar and Premnath C. Patil. Both of them are working as Office Superintendents in Administrative Department of JNPT since 1994. Both of them have filed their affidavits in lieu of their examination in chief in support of their claim. Both of them have been duly cross examined by the learned counsel for JNPT.

5. The JNPT has filed the affidavit of Dananjay R. Deshmukh, Dy. Manag. (Personnel) of JNPT in lieu of his examination in chief on 09-10-2006. He has stated the facts in detail. He has been cross examined by the learned counsel for the contesting workman. The cross examination is very short. There is nothing worth in the cross examination. In fact, the matter has been shortened a lot since the facts are not in dispute at all.

6. At the very outset, I may observe that the terms of the reference, quoted above make the scope of the reference restricted and a limited one. In fact, the reference does not appear to be happily worded. The reference relates to as many as sixteen workmen while it

is now being contested only by two workmen named above. The reference has been made under the belief that the workmen under reference have not been considered for promotion to the post of Accounts Officer while the situation is completely different. In fact, all the workmen under reference have been duly considered after accepting their demand in that respect and in this background, the reference does not survive. If the terms of the reference be read as it is, the reply is obvious to the effect that the action of the Management in not considering the workmen for promotion cannot be said to be legal and justified. However, the dispute is to be dealt with only with respect to two contesting workmen namely Mr. Sanjay D. Pednekar and Premnath C. Patil.

7. It is the admitted position that JNPT does not have notified recruitment, seniority promotion (RSP) Regulations in respect of various posts but it follows draft RSP regulations duly approved by its Chairman for the purpose of recruitment/promotion. It is the admitted position that draft RSP Regulation have been approved by the Chairman and are being effected to in case of promotion which are not in challenge. As per draft RSP regulation, post of Administrative Officers are filled by promotion failing which by direct recruitment. The qualification for direct recruitment is postgraduate degree in Business Management/Administration with two years post Executive experience as Administrative Officer. For the post of Accounts Officer, 2:1 ratio is prescribed for direct recruitment and promotees. For departmental promotion, the promotee should be at least graduate with a working experience of at least five years as Office Superintendent, out of which at least for a period of three years one should work in Finance Deptt. In view of this required qualifications, none of the Office Superintendent working with JNPT was eligible for the post of Accounts Officers except one which is V.G. Valenkar. Thus, the JNPT was to fill up the vacancy by direct recruitment. As per rules, the vacancy was to be circulated amongst the employees with a view to give an opportunity to all the Class III employees to compete for the examination and interview. Due weightage of seniority was also to be given. This was a procedure in vogue for Bumbai Port Trust for a number of years and in fact J.N.P.T. had borrowed the aforesaid provisions from there. The Office Superintendent raised the dispute against the aforesaid prescribed procedure for promotion opportunities of the Office Superintendents. It was raised that the post should be filled in by seniority-cum-suitability. In view of the representation made by the Office Superintendents, the JNPT decided to consider only the Office Superintendent for the post of Administrative Officers and Accounts Officers. In this

view of the matter, for the post of Administrative Officers the minimum qualification of Graduation was insisted with five years experience in the grade. Accordingly, four Office Superintendents were selected for the post of Administrative Officers on the basis of Seniority-cum-suitability. For the post of Accounts Officer, it was decided to conduct the interview from among the Office Superintendents with a minimum qualification of graduation with five years experience in the grade. It was objected to by the working Office Superintendents and on their objection JNPT had relaxed the criteria of 5 years experience to the effect that experience in the Financial department was relaxed. Accordingly, the applications were invited, and the contesting workmen appeared for the interview and participated in the selection process thereby accepting the revised procedure for filling up post of Accounts Officer. J.N.P.T has not contended that the workmen participated in selection process but not declared fit. Hence, they are now stopped from challenging the selection process.

8. Mr.D.R. Deshmukh has stated categorically vide para 18 of his affidavit that one more post of Accounts Officer in the promotion quota has fallen vacant and the management conducted a written test and interview for the eligible Office Superintendents possessing degree qualification. Both the contesting workmen participated in the examination/interview process and the permission would be given as per the recommendations of the Departmental Promotion Committee and approval of the Appointing Authority. This factual position is admitted to by the contesting workmen. In these background, I feel nothing remains to be considered in the instant reference. All the various circulars issued from time to time by the JNPT for conduction of the examination for filling up the vacant post have been filed on record and they are not in dispute. The demands raised from time to time on behalf of the workmen have been duly considered by the JNPT and the required qualifications have been relaxed from time to time to the satisfaction of the workmen under reference. The vacant posts have been filled up after holding the just and legal process for it and the same has not been challenged by any of the workmen under reference except the two named above. The fact that fourteen workmen out of 16 workmen under reference having not challenged the selection process of JNPT makes it clear that the contest of the contesting workmen is a very weak one and it has lost its value in view of the fact that they have duly participated in the selection process, their result is still awaited. There is no question on the point that they have not been considered for selection. The basic demand in the present Industrial Dispute was that the selection should be based on a criteria of seniority-cum-suitability and

the same has been followed by JNPT through out. Nothing is available on record to infer for a moment that there is anything wrong or deviation on the part of the JNPT in fulfilling the vacant post for departmental candidates by selection after holding a just examination process. The attempt was made to say that the selection should be made only on the basis of seniority. This is absolutely unwarranted. The seniority alone cannot be the basis for any selection post. More so, when the eligibility criteria is fixed for senior post of Administrative Officer/Accounts Officer. The quota for departmental candidates and direct candidates is there. The due adherence of law is there on the part of JNPT in making selection for departmental candidates after considering them in the selection process.

9. Considering the matter from all the possible angles I do not find anything worth for which any lacunae may be found with the procedure of JNPT for fulfilling the post of Administrative Officer/Accounts Officer.

10. Hence, I conclude that reference is liable to be dismissed. It is accordingly dismissed.

11. An Award is made accordingly.

JUSTICE GHANSHYAM DASS, Presiding Officer

नई दिल्ली, 17 जनवरी, 2007

का.आ. 427.-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ड्रेजिंग कॉर्पोरेशन ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय, धुनवेश्वर के पंचाट (संदर्भ संख्या आई.डी.9/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-1-2007 को प्राप्त हुआ था।

[सं. एल-38011/2/2000-आईआर (एम)]

एन. एस. बोरा, डेस्क अधिकारी

New Delhi, the 17th January, 2007

S.O. 427.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. I. D. 9/2000) of the Industrial Tribunal/Labour Court Bhubaneswar now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Dredging Corporation of India and their workmen, which was received by the Central Government on 17-01-2007.

[No. L-38011/2/2000-IR (M)]

N. S. BORA, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BHUBANESHWAR

PRESENT :

Shri N.K.R. Mohapatra, Presiding Officer, C.G.I.T.-
cum-Labour Court, Bhabaneshwar.

Industrial Dispute Case No. 9/2000

Date of Passing Award 26th December, 2006

BETWEEN

The Management of the General ... 1st Party
Manager, Dredging Corporation of India,
Paradip, Dist. Jagatsinghpur-754 142 Managment

AND

Their Workmen, represented through ... 2nd Party-
The General Secretary, Union
Paradip Port & Dock Mazdoor Union,
58, Diamond Harbour Road,
Calcutta.

APPEARANCES

M/s. Siddhartha Roy : For the 1st Party-
& Associate, Advocates. Managment.

M/s. B.C. Bastia & Associate, : For the 2nd Party-
Advocates. Union.

AWARD

The Government of India in the Ministry of Labour, in exercise of powers conferred by Clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L-38011/2/2000-IR (M). dated 27-06-2000.

“Whether the reattachment of 27 casual workers (as per list enclosed) by the Management of DCI with effect from 26-9-1997 is justified? If not, to what relief they are entitled to?”

2. Admittedly the 1st Party-Management, Dredging Corporation of India in short herein after mentioned as the Management of D.C.I. is a Public Sector Undertakings under the administrative control of Ministry of Surface Transport, Government of India with its Regd. Office at New Delhi and Head Office at Visakhapatnam. To carry out its dredging operation at various major/minor ports it has set up several project offices in the port based places including one at Paradip to undertake the work

of Paradip Port and other ports of Orissa on contractual basis. Depending upon the term of contract and the nature of dredging work it deploys to that place Trailer Suction Dredger for maintenance dredging and Cutter Suction Dredger for capital dredging. The Trailer Suction Dredgers are used for maintenance dredging to dump the dredged materials in the mid sea and it is operated by Floating Personnel on board and for this it does not require any extra shore labourers for carrying out the dredging work where as the Cutter Suction Dredgers utilized for capital dredging are utilized for draining out the dredged materials through pipelines to be staked at a specified dumping area on shore and for this the assistance of casual workers of unskilled nature is required for laying shifting and maintenance of these pipe lines.

3. It is alleged by the Union representing the 27 workers in question that these workers are working under the Management or D.C.I. since 1983. As their engagement was intermittent in nature, these workers demanded for continuity of their service some times in 1994. As a result thereof, the management entered into an agreement with the Union on 25-9-1995 and accordingly increased the wage rate and V.D.A. It also provided certain other benefits like Tiffin Allowances, National and Festival Holidays and also regularized five out of 32 casual workers. Again on 10-9-1997 the Management entered into a Tripartite Settlement, agreeing to revise further the wage rate, V.D.A. and night shift allowances. It is further alleged by the Union that during conciliation before the Assistant Labour Commissioner (Central) the Management further agreed to regularize the remaining 27 casual workers but surprisingly retrenched them abruptly on 26-9-1997 without sufficient notice and hence the present reference.

4. The Management of D.C.I. on the other hand has pleaded that it mainly lives on the volume contract it receives from different ports. The work undertaken from Paradip Port not being a continuous phenomenon, the Management of D.C.I. used to engage casual labourers as and when required till the completion of work or up till the assignment was over. For the purpose of carrying out the dredging operation at various Major/Minor Ports, Indian Navy, Shipyards etc, the Management has set up Project Offices throughout the country and that to carry out the dredging contracts at different places, the Management used to deploy Trailer Suction Dredgers for Maintenance Dredging and Cutter Suction Dredgers for Capital Dredging. The Trailer Suction Dredges are operated by the Floating personnel on board of the Dredgers and they do not require any extra shore labour for carrying out the dredging work. Whereas in case of Cutter Suction Dredgers, the materials dredged out are to be dumped in a particular dump yard

on shore through pipe lines and therefore for laying shifting and maintenance of these pipe line the assistance of casual labourers are taken as and when required depending upon the contract it receives from Paradip Port. While admitting that these disputant-workers are being engaged time and again since 1983, it is further averred by the management that on completion of these work the services of these workers are dispensed with, with the cessation of the contract on payment of necessary retrenchment benefits. It is further averred that at no point of time the Management had ever agreed by way of settlement with the Union to regularize the service of these workers. According to the Management these workers were engaged casually till the Paradip Port Trust from December 1983 January 1984 to 30-4-1985, December 1989 to March 1990, January 1991 to March 1991, May 1991 to June 1992, June 1995 to December 1995 and terminated accordingly after each spell. Accordingly on completion of the project work in Sept. 1997 they were intimated as before of their termination date through a common notice displayed in the notice board on 25-9-1997 intimating that they are going to be retrenched from next day onwards. In the notice they were also asked to collect their dues including notice pay, retrenchment compensation and their wages for the period of service rendered during 1-9-1997 to 26-9-1997 between 10 A.M. to 12 P.M. from the project office. A copy of the above notice was also sent to the Government of India Ministry of Labour, Asst. Labour Commissioner (Central), Bhubaneswar as also to the Trade Union concerned. But as the workers did not collect their retrenchment benefits on 26-9-1997, as advised, individual cheques of their dues were sent to their disclosed address under regd. post with A.D. but all had returned back undelivered with postal endorsement. It is further averred by the management that these workers instead of collecting their dues from the project office at Paradip, resorted to violence by man-handling Shri S. Satyanarayanan, Asst. Manager and obtained by use of force from him a letter indicating that the termination notice has been withdrawn. They also threatened one Mr. R. K. Jogi Ex-Asst. Manager and forcibly obtained from him a letter to the effect that despite availability of work the workers have been terminated and for this the matter was reported to the police. In nutshell the management has averred that the engagement of the workers in question was against time bound job and therefore they were retrenched on completion of work. It is also averred that since before termination/retrenchment these workers were offered to collect their retrenchment dues etc., their failure to collect the same can not be made a ground to declare the termination/retrenchment bad under law.

5. On the basis or the above pleadings of the parties the following issues were framed.

ISSUES

1. Whether the reference is maintainable?
2. Whether the retrenchment of 27 casual labourers/workers as per the list is justified and legal? (List attached Separately)
3. To what relief the workmen are entitled?

6. To substantiate its claim the Union has examined two witnesses while the Management has examined three witnesses in support its stand. Each party has also relied upon several official documents.

ISSUE NO. 1

7. There being no substantial challenge especially from the side of Management, this issue is answered affirmatively.

ISSUE NOS. 2 & 3

8. These issues are taken up together as they are interdependent.

It is admitted by the Union in its claim statement that these disputants-workers are being engaged by the Management intermittently ever since 1983 in the dredging work of Paradip Port Trust of India. It is also admitted by the Union that the Management of D.C.I. used to take the dredging contract from the Paradip Port Trust from time to time. The unchallenged evidence of Management Witness, No.1 shows that these workers were earlier engaged during December, 1983 to 30-4-1985 and thereafter from December, 1989 to March, 1990 and from January, 1991 to March, 1991 and again from May, 1991 to June, 1992 and June, 1995 to December, 1995 and on each occasion they have been terminated in an alike manner on payment of compensation as offered to them in the notice dated 25-9-1997 for their engagement period from February 1996 to 26-9-1997. This evidence further shows that even after the alleged retrenchment on 26-9-1997 these workers have further been engaged in December, 1997 and terminated (retrenched) on 31-12-2003 on completion of the specified work. His evidence further shows that after their termination on 31-12-2003 they were again issued with notices to work from 18-12-2004 against a new job. The further evidence of the said M.W.1 shows that whenever they have been terminated on completion of the schedule work they have been paid necessary compensation each time ever since 1983 till the present dispute was raised. The evidence of workman witness and their claim statement shows that depending on availability of work they were being engaged and that to avoid such intermittent engagement a demand was made by the Union in 1994-95 claiming regularization of these workers as evident from the Memorandum of Settlement dated 25-9-1995 (Ext.-1).

9. From the above it can thus be concluded safely that the disputant workers were quite alive of the nature of their employment given from time to time to be contractual and time bound in nature and therefore their termination on completion of a particular job against which they were engaged can not be termed as retrenchment within the four corners of Section 25-F, Section 2 (oo)(bb) being a bar to the same.

10. According to the averment made by the Union in its claim statement these workers are being engaged intermittently depending upon availability of work in the hand of Management W.W.1 says during cross examination that the job undertaken by the Management is a time bound job. Similarly W.W.2 admits during cross-examination that they are engaged only when the dredger arrives at the port and so long it has not reached there is no job for them. This also fortifies the fact that the engagement of the disputant-workers was always against time bound job which the Management used to undertake from time to time from the Paradip Port Trust on contractual basis as claimed by the Management. Therefore, the termination of the workmen with effect from 26-9-1997 can not be termed as retrenchment so as to attract the provisions of Section 25-F of the Industrial Disputes Act. In the general retrenchment notice dated 25-9-1997 all the 27 disputants-workmen were asked to collect their retrenchment compensation and other dues including notice pay and their normal wages for the month of September, 1997 (up till 26-9-1997 the effectual date of termination) from the office. But because of such mentioning of the word "Retrenchment Compensation" the termination of the workers from a time bound job can not be treated to be a case of retrenchment for the discussion made earlier. Rather the offering of the Management to the disputants to collect all their dues as also retrenchment compensation rather speaks of its benevolent attitude which should not be looked upon down in a jaundice eye.

11. The evidence of the management witness specially the FIR filed by the Management before the police (Ext.-9) shows that as an outcome of the termination notice, these disputants collectively manhandled two of the officers on 27-9-1997 in their bid to revoke the order of termination. This shows that the termination order which was to take effect from 26-9-1997 was well within the knowledge of the disputants. Besides the evidence of Union further shows that a copy of such order was also communicated to the Union. Therefore, it can not be said that the termination of the workers was without notice. Furthermore the evidence of the management shows that when the disputants refused to receive their dues on 26-9-1995 in an agitating mood their dues were converted into bank cheques on 27-9-1997

as evident from Ext.-L series and sent to them by post in their disclosed address but the same had returned back undelivered with different postal endorsement as evident from Ext.-series. One of the disputants namely Rabindra Kr. Mallick who has been examined as W.W. 2 gives out his disclosed address during trial. But the Regd. letter containing the cheque and termination letter which was sent in the self same address (Ext.-F/13) is found to have returned back with a postal endorsement that the same could not be delivered to him due to his long absence. These show that the disputants had deliberately avoided their termination. Therefore, even if it is considered as a case of retrenchment the Management can not be blamed and said to have not followed the requirements of Section 25-F when in the notice of termination the disputant were offered to collect all their dues including retrenchment compensation and notice pay and arrear wages of the month of Sept., 1997 on the very day on which the termination was to take effect.

12. As I find from the evidence, both oral and documentary, adduced by both parties, the ostensible intention of the Union in raising the present dispute is to reinforce its earlier demand for regularization of these 27 workers to which the Management has disagreed time and again on the ground of improbability in view of the short lived contract it gets from Paradip Port Trust. However when admittedly the services of these workers are being utilized by the Management ever since 1983 in the work of Paradip Port Trust for the future interest of these workers the Management should evolve a method by which these workers are provided continuous work by way of offering jobs conditionally in its other viable project outside Paradip Port.

13. Accordingly the reference is answered.
Dictated & Corrected by me.

N. K. R. MOHAPATRA, Presiding Officer

List of 27 casual workers

S/Shri

1. Bishnu Ch. Sethy
2. Purusottam Sahoo
3. Gunanidhi Biswal
4. S. Narayana Rao
5. D. C. Nayak
6. Fagu Biswal
7. G. Tata Rao
8. Purushottam Das
9. Jadumani Rout

10. N. P. Routray
11. Parmananda Das
12. Persona Kumar Patnaik
13. Rabindra Kumar Mallick
14. Nagendra Nath
15. V. Bhagavat Kumar
16. S. Rajeswara Rao
17. Rama Chandra Parida
18. H. S. Swain
19. Daitari Sahani
20. P. S. Murthy
21. N. Umapathi
22. K. C. Nayak
23. Jogendra Parida
24. G. Dharma Raju
25. P. K. Pradhan
26. Biswanath Das
27. Bhagawan Mohanty.

नई दिल्ली, 17 जनवरी, 2007

का.आ. 428.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. हुट्टी गोल्ड माईन्स को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बंगलौर के पंचाट (संदर्भ संख्या सी.आर.सं.43/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-1-2007 को प्राप्त हुआ था।

[सं. एल-43011/04/2003-आई आर (एम)]

एन. एस. बोरा, डेस्क अधिकारी

New Delhi, the 17th January, 2007

S.O. 428.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. C.R. No. 43/2003) of the Central Government Industrial Tribunal/Labour Court Bangalore now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. Hutti Gold Mines Co. Ltd. and their workmen, which was received by the Central Government on 17-1-2007.

[No. L-43011/04/2003-IR(M)]

N. S. BORA, Desk Officer

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
BANGALORE****Date : 5th January, 2007****PRESENT : Shri A.R. SIDDIQUI, Presiding Officer****C.R. No. 43/2003****I Party**

The Vice President,
HGM Staff & Employees,
Union (AITUC),
Pai Bhavan, Hutti Post,
Raichur-584115
Karnataka State.

II Party

The General Manager,
M/s. Hutti Gold Mines Co.,
Ltd. PO, Raichur Dist.,
Raichur,
Karnataka State.

APPEARANCES

1st party : Shri Muralidhara,
Advocate.
2nd Party : Shri N S Rajaram,
Advocate.

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-43011/04/2003-IR (M) dated 16th September, 2003 for adjudication on the following schedule :

SCHEDULE

"Whether the action of the management of M/s. Hutti Gold Mines Co. Ltd, Hutti, Raichur Distt., Karnataka, in dismissing Shri Ibrahim, Ex.Mill T. No.104 from the service is justified? If not, to what relief the workman concerned is entitled?"

2. A charge memo dated 25-09-2001 was issued to the first party workman in the following terms:—

"It is reported that you were allocated duty in 3rd shift between 11.00 PM to 7.00 AM on 23-9-2001. Your duties consisted of pumping, floor washing and attending to pump. At about 5.30 AM the Divisional Manager (Met) was on his rounds of the Metallurgical Plant. While at the ball mill, the Dy. General Manager (Met) instructed Shri P.Raja the Assistant Shift In charge to pump the Knelson Concentrate into the concentrate tank. You along with Shri Eshwarappa opened the door lock of Knelson Concentrator and the door and allowed the concentrate to be pumped into the tank in the

presence of the Security Inspector and the Security Guard. After the pumping was completed, the Knelson concentrator was locked and the keys were taken by Shri P. Raja and placed in the Keyboard at the grinding Plant. The Security guard immediately ascertained that the three locks to the Knelson Concentrator box were secure the Dy. General Manager(Met) thereafter left the place. At about 6.15 A.M. Shri S.R. Kulkarni, G.F/M who was on his rounds, entered the ball mill area and suddenly, he noticed that you were closing the knelson concentrator box and locking it.

This act of yours was unwarranted, irregular and not at the instance/instructions of any of your higher ups in the section. Your act indicates that you have voluntarily tampered with the Knelson concentrator box, opened the door with a key with the intention of committing theft of gold concentrate which was in the box.

Your act also indicates that you being a helper had no business to open the box at all and without necessary instructions/authority of the Foreman/General Foreman/Officer who were all on duty at that time.

The report of Shri S.R.Kulkarni, General Foreman also indicates that you had deliberately and without authority, opened the knelson concentrate box for committing theft of Gold concentrate with a key of your own, since the original key was very much secure at the key board of the grinding plant.

The above act of yours therefore, amounts to theft of company's property which is an offence under company's Standing Order Nos. 19(8),(36)& 47.

Clause 19(8): "Breach of any rule or instruction for the maintenance and running of any department or the maintenance of the cleanliness of any portion of the employers premises or safety of the premises or mines or of the other property round about".

Clause 19(36): " Theft, fraud or dishonesty in connection with the employer's business or property".

Clause 19(47): "Conduct prejudicial to the interest or reputation of the company of its officers".

You are required to submit your explanation in writing within 2 days from the receipt of this charge memo as to why disciplinary action should not be taken against you. If you do not submit your written explanation within the time, it shall be construed that you have no explanation to offer and further necessary

action as deemed necessary will be taken against you. Since, the offence committed by you is of grave nature, you are suspended from duty with immediate effect."

3. The reply given by the first party workman denying the charges not been found satisfactory, the management ordered DE into the matter and on the basis of the findings of the enquiry officer holding him guilty of the aforesaid charges, dismissed the first party workman from service.

4. The first party workman by way of his Claim Statement challenged the enquiry proceedings as opposed to the principles of natural justice, findings of the enquiry officer as perverse and the order dismissing him from service as illegal and unjust.

5. The management by its Counter Statement however, asserted and maintained that proceedings of the enquiry conducted against the first party were in tune with the principles of natural justice affording him fair and proper opportunity to defend himself and that findings of the enquiry officer holding him guilty of the charges were based upon sufficient and legal evidence and that the order dismissing the first party was also legal and justified keeping in view the gravity of the misconduct committed by him.

6. Keeping in view the respective contentions of the parties, with regard to the validity and fairness or otherwise of the enquiry proceedings, a preliminary issue was raised as to "Whether the Domestic Enquiry held against the first party by the second party is fair and proper". During the course of trial of the said issue, the management examined the enquiry officer as MW1 and got marked 26 documents at Ex.M1 to M26 including the enquiry proceedings and the enquiry report and by way of rebuttal the first party filed his affidavit evidence.

7. After hearing the learned Counsels for the respective parties, this tribunal by order dated 20-12-2005 recorded a finding on the above said issue holding that the Domestic Enquiry conducted against the first party by the Second Party is not fair and proper. Thereupon, the matter came to be posted for evidence of the management on merits i.e. to prove the charges of misconduct levelled against the first party.

8. The management to substantiate the charges, three witnesses examined as MW2 to MW4 and got marked 3 documents at Ex.M27, M28 & M29. The first

party once again filed his affidavit evidence on merits of the case. Thereupon, I have heard the Learned Counsels for the parties on merits and posted the case this day for award.

9. The statement of MW2 in his affidavit relevant for the purpose is that on 23-09-2001 in between 11 PM and 7 AM the first party was in 3rd shift duties of pumping, floor washing and attending to pump. At about 5.30AM the Dy. General Manager(MW4) was on his rounds of the Metallurgical Plant and instructed one Mr. P. Raja, the Assistant In-charge to pump the Knelson Concentrator into the Concentrator tank. The first party and one Shri Eshwarappa opened the door lock of Knelson Concentrator and concentration was done in the presence of the Security Inspector and the Security Guard. After the pumping was completed the Knelson Concentrator was locked and the keys were taken by said Raja and placed in the Key Board at the Grinding Plant and immediately, thereafter Security Guard ascertained that the three locks to the Knelson Concentrator box were secure and thereafter he (Dy. General Manager) left the place. He stated that at about 6.15 AM on the above said date when he went to the Ball Mill area, he had seen the Knelson Concentrator Centre Door kept open and had seen the first party locking the said Center Door though the original key was in the key board when he got it confirmed with the shift Assistant, Shri P. Raja. He then stated that while first party was locking the box no Security Guard or no officer was present and then he stated that first party was not authorized to open the door of the Knelson Concentrator in the absence of staff member and officer and he reported this matter to the DGM vide his report at Ex.M27. In his cross examination it was elicited that he was looking after the supervision in the Grinding Section of the Metallurgical Department by the side of which Knelson Concentrator box is situated and that the Assistant Supervisor will be Incharge of the Concentrator box and that one Mr. Hanumantha was the Assistant Supervisor on the said date. He stated that one Mr. Shakarappa was working as DGM on the day but he cannot give the name of the Security Staff working at that time. He stated that the box will be under the locks by the Security and the Officers. There will be regular security posting at the said gold concentrator box and keys of the locks of the box will be in his custody along with other keys put on the key board at the grinding section. He will be giving those keys to the Assistant Supervisors only and not to others. It was

elicited that he was the witness for the locks being put to the said box by Mr. Shankarappa and the keys being handed over to said Shri Raja by Shri Shankarappa and then Raja handing over those keys to him on that day. It was elicited that in the normal course about 20 to 25 employees will be at work at Grinding Section, Ball Mill and Knelson concentrated box area and Mr. Raja as a foreman along with Gurupadiah, foreman were at the grinding section and said Hanumantha was at Ball Mill Section and the Security Staff was present at the box on the above said date. It was elicited that all the keys of the locks put to the said box were on the keyboard at the Grinding Section when the first party was found at the box as per his affidavit. It was then elicited that the lock was already with the box and he did not see the key with the first party with the help of which he was locking the box. He admitted that they have not drawn any Mahajar for the said incident and in the last he admitted that aforesaid 20 to 25 employees were at work at the aforesaid three sections at the relevant point of time. He stated that he had been seeing the first party working at the Mines for the last 5 to 6 years without any complaint or misconduct committed by him prior to the incident.

10. The next witness is said P. Raja to speak to the fact that he was working as a foreman in the third shift of the company on 23-9-2001 and in that shift Mr. Kulkarni (MW1) and other 25 workers were on duty along with him. Then he stated that Deputy General Manager while on his rounds took key from him for opening the room where Knelson Concentrator was kept and he after having inspected the room found everything in order and returned back the key to him and that was kept on key board by himself. In that regard he gave his report marked at Ex. M28. In his cross-examination it was elicited that Knelson Concentrator will be locked and the keys of the locks will be under his custody and he will be giving key to the officers only for the purpose of pumping of the concentrated gold and that on the above said date he had given the key only once for opening the said box. It was elicited that there will be security guard stationed at the said box and on that day also there was a guard whose name he did not know. After pumping on that day in his presence lock was put to Concentrator box and the officer had given him the key back and it was in his custody thereafter and that he did not give the key to anybody before he left the company at about 7 AM. He then stated that he checked the locks of the box if it was put properly or not.

11. The 3rd witness for the management is the said Dy. General Manager to speak to the fact that on the above said date he visited the Plant along with Mr. Raja where the pumping was done and at that time the first party and Mr. Eshwarappa opened the door locks of Concentrator and pumping was done. He stated that thereafter Concentrator was locked and keys were given to Mr. Raja and it was placed in the keyboard at the Grinding Plant as usual. Then he stated that at about 6.15 AM Mr. S.R. Kulkarni (MW1) found the first party closing the Center door of said Concentrator. In his cross-examination it was elicited that he was at his residence when the above said incident was brought to his notice and that he did not visit the spot after having received the said report from Mr. Kulkarni. He admitted that there was no Mahajar done by him seizing the key said to have been used by the first party in opening the door nor he was handed over to the Security people and then he admitted that his affidavit averments are based on the report given by Mr. Kulkarni. In his further examination chief he has spoken to the report he made with the Executive Director at Ex. M30.

12. The facts undisputed are that on 23-9-2001 the first party workman was in the third shift between 11 PM & 7 AM. It is not in dispute that on that day at about 5.15 AM, MW3 in his casual rounds visited the above said Concentrator Box in the presence of said Raja and got pumped the Concentrate Gold and thereupon the above said Concentrate door was closed with 3 locks and those keys of the locks were handed over by MW4 to MW3 and they were kept at the keyboard of the grinding section. It is not in dispute that for the alleged incident, MW2 made a report at Ex. M28 to MW4 and MW4 in turn made his report to the Executive Director at Ex. M30. Now, therefore, the moot question to be considered in this case is to whether the first party was found locking the Center door of the Concentrator box by MW2 and that the first party indulged in such activity in order to commit theft of concentrated gold as alleged in the charge sheet.

13. Learned counsel for the first party workman Shri MD argued that the only relevant witness, rather, said to be the eye witness to the incident examined on behalf of the management before this tribunal is the said Kulkarni and his statement cannot be acted upon safely for more than one reason. He contended that first of all his statement does not get corroboration from the report he is said to have made to

MW4 at Ex. M27. He contended that there was no evidence brought on record atleast to suggest that the first party intended to commit theft as admittedly as per the very case of the management, he was found locking the door of the Concentrator Box and not found committing theft of the concentrated gold much less removing any portion of the gold from the said box. He contended that if undisputedly, three keys used for putting three locks to the door were in tact with the key board in the grinding section and the fact of putting three locks to the Concentrator door was got confirmed by the officers namely, MW3 & 4 after pumping work was done, then it is yet to be explained by the management as to with the help of which keys or with what instrument atleast, the first party must have entered the door or was found putting lock to the door as no key or any instrument was seized from his possession, nor any Mahajar was done to the above effect. He further contended that there is no evidence brought on record either to show that the first party committed theft or made any attempt to commit theft and that the ingredients of theft are very much missing in this case.

14. Whereas, learned counsel for the management Smt. Usha Rani vehemently, argued that evidence of MW2 to MW4 is very much legal and sufficient to connect the workman with the guilt. She cited certain rulings on the point of punishment to be imposed on the first party if found guilty of the misconduct committed by him.

15. After having gone through the records, I find substance in the arguments advanced for the first party. As noted above, the only witness examined by the management competent to speak to the alleged incident is the said Mr. S.R. Kulkarni who claimed himself to be the eye witness to the incident. The evidence of other two witnesses as far as the incident is concerned is just an hearsay evidence as their testimony depends upon the report given by Mr. Kulkarni regarding the above said incident. First of all as argued for the first party, statement of MW2 in his affidavit does not get corroboration from his alleged report at Ex. M27 made to MW4 with regard to the incident on hand. If we read the above said report, it can be seen that the first party was found locking of Knelson Concentrator door and at that time one Eshwarappa was taking samples and another workman was watching the feed rate and at the same time watchman was found entering from Ball Mill side. Therefore, in the first instance as per the report the first

party was found locking Knelson door and whereas, as per the affidavit of MW1 the Concentrator Center door infect was found open and it is thereafter the first party was found locking the Center door. This affidavit of MW2 makes no mention of the said Eshwarappa taking the samples at the relevant point of time, somebody watching the feed rate and some watchman entering the spot at the relevant point of time which fact as noted above, is found mentioned in the report at Ex.M27 made by MW1 to MW4. That apart, as brought out in the statements of MW2 to 4 in their cross- examination, the keys of the locks were found intact with the key board in the Grinding Section when the alleged incident took place. It is in their evidence that after pumping of the Concentrate gold in the presence of MW2 &3, the door was closed with three locks and MW3 ascertained and got confirmed as to whether those three locks were put to the door properly or not. It is in the evidence that those keys with the key board were there all along and MW3 who was the custodian of those keys never gave to anybody except once, that too, to MW2 for the purpose of locking the Concentrate gold on the above said date. It has come in the evidence of MW2 himself that in normal course about 20 to 25 employees were at work at grinding section, Ball Mill and Knelson concentrate box is just by the side of the grinding section. MW2 also has stated that said Mr. Raja and one Mr. Gurupadaiah working as foremen were at Grinding Section and said Hanumantha was at Ball Mill Section and security guard was also there at the box on the above said date. Now, therefore, in the light of the above, it was a question rightly raised by the learned counsel for the first party workman that 'was it possible for the first party workman to have entered into the above said concentrator door in the presence of the aforesaid people, that too, with the intention to commit theft and coming out of the said door putting locks to it even without committing any theft'. No prudent man can believe the story of the management that the first party would have made any such attempt or might have committed the incident on hand in the manner alleged by the management particularly, when undisputedly, nothing was seized from the possession of the first party workman. Had he entered the door by opening the locks, he must have either possessed the original key or duplicate key or atleast some instrument and then with the help of those keys and instruments only he must have tried to close the door by putting the locks. There was no key or any instrument seized from his custody

nor any mahajar was drawn to the effect that he was found putting lock to the door by MW2 and that he was taken into custody of any security staff particularly, when the security staff said to have been posted at the box all along as has come in the evidence referred to supra. Moreover, as noted above, apart from MW2 there has been no eyewitness to the said incident nor anybody has been examined before this tribunal as an eye-witness to this incident. Though as per the report of MW2 referred to supra there were other three persons present at the spot at the relevant point of time. As per the report one was taking out the samples, the other was watching the feed rate and the third person namely, the watchman was entering the area at the same time. None of them was examined to speak to the said fact and to support the recitals of report at Ex. M27 based on which charge sheet was issued against the first party workman. As noted above, MW2 in his cross examination in no uncertain terms stated that there will be about 20 to 25 employees at the grinding section, Ball Mill and Knelson Concentrator box area all along working and it is Mr. Raja and Mr. Gugupadaiah as foremen were also at the Grinding Section and said Hanumantha was at Ball Mill Section at the relevant point of time. He has also stated that security staff were also there at the box. If all these persons were said to be present all along at the above said Concentrator box, then it was quite natural that any of them atleast must have seen the first party either entering the box area or atleast coming out of the said area making an attempt to put locks to the door of the said Concentrator box area. Very strangely, none has been cited as an eyewitness in the above said report itself nor has been examined before this tribunal as witness to the incident. It is under these facts and circumstances, it becomes highly improbable to believe that the first party workman was found putting locks to the Concentrator door by MW2 at the relevant point of time. As argued for the workman, if really the first party was found coming out of the box area and was putting lock to the door and his intention was to commit theft of the gold, then, in the natural course he must have been found with some stolen gold when was coming out of the box area and was trying to put the lock. The natural conduct on the part of the first party workman would have been either in the case of committing the theft of gold or not committing the theft of gold, to have left the door opened without making any attempt to put lock to the said door. But here is the case where it is alleged that he was found locking the door without committing the theft itself much less without having in his custody

any key or any instrument to be used for the purpose of opening the lock or putting the lock. Therefore, in the light of the above said facts and circumstances spoken to by the very management witnesses, it is highly improbable to digest the story of the management that the first party was found putting lock to the Concentrator door and doing so his intention was to commit theft of Concentrate gold etc. In the result, I must hold that the management has failed to bring home the guilt of the first party workman for the misconduct alleged in the charge sheet. Therefore, the dismissal order passed against him is liable to be set aside as illegal and void abinitio. Since the dismissal order is held to be illegal, the natural corollary would be the reinstatement of the first party workman into the service of the management.

16. Now, coming to the question of back wages and other reliefs as per the affidavit filed by the first party workman, he is not gainfully employed and has been surviving on the income of his son who is doing a small job. The management was supposed to discharge the burden that first party has been gainfully employed so as to deny him the back wages has not come forward with any sort of evidence. None of the three witnesses examined by the management have spoken to the gainful employment or otherwise of the first party workman. However, the statement of first party workman that he has not been gainfully employed or that he is not earning his livelihood by doing some work also cannot be believed without pinch of salt. One cannot believe that he will be idling himself all along without earning his livelihood at least to a small extent. In the result, keeping in view the facts and circumstances of the case, it appears to me that ends of justice will be met if the first party workman is paid 60 per cent of the back wages from the date of his dismissal till the date of his reinstatement with continuity of service and all other related benefits. Hence the following award.

AWARD

The management is directed to reinstate the first party workman in to its services to the post he held at the time of dismissal along with 60 per cent of the back wages from the date of dismissal till the date of reinstatement with continuity of service and all other attended benefits. No costs.

(Dictated to PA transcribed by her corrected and signed by me on 5th January, 2007)

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 17 जनवरी, 2007

का.आ. 429.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओर (इंडिया) लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या एनजीपी/140/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-1-2007 को प्राप्त हुआ था।

[सं. एल-29011/4/2002-आई आर (एम)]

एन. एस. बोरा, डेस्क अधिकारी

New Delhi, the 17th January, 2007

S.O. 429 — In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. NGP/140/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Ore (India) Ltd. and their workmen, which was received by the Central Government on 17-1-2007.

[No. L-29011/4/2002-IR(M)]

N. S. BORA, Desk Officer

ANNEXURE

**BEFORE SHRI A.N. YADAV, PRESIDING OFFICER
CGIT-CUM-LABOUR COURT, NAGPUR**

Case No. NGP/140/2002

Date 5-1-2007

Petitioner : MOIL KAMGAR SANGHATAN,
Party No. 1 The General Secretary, Katol Road,
Chhaoni, Behind Durga Mandir, MOIL
Staff Colony, Nagpur - 440 013.

Versus

Respondent : THE GENERAL MANAGER [P],
Party No. 2 The Manganese Ore (India) Ltd., 3,
Mount Road, Sadar, Nagpur - 440 001.

AWARD

Dated 5th January, 2007

1. The Central Government after satisfying the existence of disputes between MOIL Kamgar Sanghatan The Gen. Secretary Katol Road, Chhaoni, Behind Durga Mandir, MOIL Staff Colony, Nagpur Party No. 1 and The Gen. Manager [P], The Manganese Ore [India] Ltd., 3, Mount Road, Sadar, Nagpur Party No. 2 referred the same for adjudication to this Tribunal vide its Letter No. L-29011/4/2002-IR (M) Dt. 16-07-2002 under clause (d) of sub-section

(1) and sub-section (2A) of Section 10 of Industrial Dispute Act, 1947 [14 of 1947] with the following schedule.

2. "Whether the action of the Manganese of Dy. General Manager, Manganese Ores [India] Ltd., Nagpur in the alleged illegal suspension of Shri Ramavtar Devagan, Raju Pandurang Umre & Shri Pradeep Daulat Khobragade on 28-01-2000 & 30-01-2000 and awarding punishment of Suspension from work for 2 days with loss of wages to Shri Ramavtar Devagan, Electrician Gr. II from 20-06-2001 to 21-06-2001 and Raju Pandurang Umre & Shri Pradeep Daulat Khobragade U/G P.R. worker from 08-12-2000 to 09-12-2000 without giving proper opportunity before punishment was legal, proper and justified? If not, what relief the said workmen are entitled to and from what date?"

3. The reference was pending for filing the Written Statement by the management in reply to the claim of statement filed by the petitioner. However, on 20-06-2006 on behalf of the petitioner an application has been filed requesting to dispose off the petition because the Party No.1 i.e. the workman does not want to proceed with it. Party No.1 is in fact a union and the office bearer has signed the application. The management has also given no objection for allowing to withdraw the petition as they have settled it out of court. Since they have settled the dispute out of court, now there remain no dispute between the management and the Party No.1 i.e. Union. Hence the no dispute award is passed in the present case.

Hence this award.

Dated: 05-01-2007

A. N. YADAV, Presiding Officer

नई दिल्ली, 17 जनवरी, 2007

का.आ. 430.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैंगनीज ओर (इंडिया) लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या सीजीआईटी/एनजीपी/38/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-1-2007 को प्राप्त हुआ था।

[सं. एल-27011/8/2001-आई आर (एम)]

एन.एस. बोरा, डेस्क अधिकारी

New Delhi, the 17th January, 2007

S.O. 430 .—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/NGP/38/2002) of the Central Government Industrial

Tribunal-cum-Labour Court, Nagpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Manganese Ore (India) Ltd. and their workmen, which was received by the Central Government on 17-1-2007.

[No. L-27011/8/2001-IR(M)]

N. S. BORA, Desk Officer

ANNEXURE

**BEFORE SHRI A.N. YADAV, PRESIDING
OFFICER CGIT-CUM-LABOUR COURT, NAGPUR.**

Case No. CGIT/NGP/38/2002

Date 05/01/2007.

Petitioner : Shri Ram Avtar Devangan,
Party No. 1 The General Secretary, Manganese Ore
(India) Ltd., Kamgar Sanghatan Katol
Road, Behind Durga Temple, MOIL Staff
Col, Nagpur-110001

Versus

Respondent : The Manganese Ore [India] Ltd.,
Party No. 2 The Chairman-cum-Managing Director,
3 Mount Road, Extension, P. O. No. 34,
Nagpur.

AWARD

Dated : 5th January 2007.

1. The Central Government after satisfying the existence of disputes between Shri Ramavtar Devangan, The Gen. Secretary, Manganese Ore [India] Ltd., Kamgar Sanghatan Katol Road, Behind Durga Temple, MOIL Staff Col., Nagpur Party No.1 and The Manganese Ore [India] Ltd., The Chairman-cum-Managing Director, 3 Mount Road, Extension, P.O. No. 34, Nagpur Party No.2 referred the same for adjudication to this Tribunal vide its Letter No. L-27011/8/2001-IR(M) Dt. 19/04/2002 under clause (d) of sub Section (1) and sub Section (2A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) with the following schedule.

2. "Whether the management of Manganese Ore [India] Ltd., Nagpur is justified in applying the Certified Standing Orders Dt. 10/ 10/1996 in respect of its workmen employed at MOIL Head Quarter office situated at Nagpur by way of bipartite agreement Dt. 06-02-2001 & 05-03-2001 arrived at between the management and the Rashtriya Manganese Mazdoor Sangh, Nagpur and that whether the demand of wrongful denial to regulate conditions of employment of the workmen employed at MOIL Headquarter Office at Nagpur under certified Standing Orders Dt. 07-03-1983 raised by General Secretary, MOIL Kamgar

Sanghatan, Nagpur is justified? If not to what relief the concerned workmen are entitled?

3. The reference was pending for filing the written Statement by the management in reply to the claim of statement filed by the petitioner. However, on 20/06/2006 on behalf of the petitioner an application has been filed requesting to dispose off the petition because the Party No.1 i.e. the workman does not want to proceed with it. Party No.1 is in fact a. Union and the office bearer has signed the application. The management has also given no objection for allowing to withdraw the petition as they have settled it out of court. Since they have settled the dispute out of court, now there remain no dispute between the management and the Party No.1 i.e. Union. Hence the no dispute award is passed in the present case.

Hence this award.

Dated: 05/01/2007

A. N. YADAV, Presiding Officer

नई दिल्ली, 17 जनवरी, 2007

का.आ. 431.-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैंगनीज ओर (इंडिया) लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या एनजीपी/44/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-1-2007 को प्राप्त हुआ था।

[सं. एल-29012/21/2001-आई आर (एम)]

एन.एस. बोरा, डेस्क अधिकारी

New Delhi, the 17th January, 2007

S.O. 431.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. NGP/44/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Manganese Ore (India) Ltd. and their workmen, which was received by the Central Government on 17-1-2007.

[No. L-29012/21/2001-IR(M)]

N. S. BORA, Desk Officer

ANNEXURE

**BEFORE SHRI A.N. YADAV PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR.**

Case No. NGP/44/2001

Date 05/01/2007

Petitioner : Shri Ramkripal L. Khursel, Through
Party No.1 The General Secretary, MOIL Kamgar Sanghatan C/o Shri Ramavtar Devangan, P.O. Kandri Mine, Ramtek, Dist. Nagpur - 440001.

Versus

Respondent : The Manganese Ore [India] Ltd.,
Party No.2 : 3, Mount Road, Extension, Sadar, Nagpur

AWARD

Dated : 5th January 2007

1. The Central Government after satisfying the existence of disputes between Shri Ramkripal L. Khursel, Through The General Secretary, MOIL Kamgar Sanghatan C/o Shri Ramavtar Devangan, P.O. Kandri Mille, Ramtek, Dist. -Nagpur Party No. 1 and The Manganese Ore [India] Ltd., 3, Mount Road, Extension, Sadar, Nagpur Party No.2 referred the same for adjudication to this Tribunal vide its Letter No. L-29012/21/2001-IR(M) Dt. 02/05/2001 under clause (d) of sub Section (1) and sub Section (2A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) with the following schedule.

“Whether the action of the Manganese Ores [India] Ltd., Nagpur in deducting of Rs. 436 / - per month w.e.f. Oct. 1998 onwards from the salary of Shri Ramkripal L. Khursel, Car & Lorry Driver without giving proper opportunity to him is legal and proper and justified? If not, what relief the said workman is entitled to and from what date ?”.

3. The reference was pending for filing the Written Statement by the management in reply to the claim of statement filed by the petitioner. However, on 20/06/2006 on behalf of the petitioner an application has been filed requesting to dispose off the petition because the Party No.1 i.e. the workman does not want to proceed with it. Party No.1 is in fact a union and the office bearer has signed the application. The management has also given no objection for allowing to withdraw the petition as they have settled it out of court. Since they have settled the dispute out of court, now there remain no dispute between the management and the Party No.1 i.e. Union. Hence the no dispute award is passed in the present case.

Hence this award.

Dated: 05/01/2007

A. N. YADAV, Presiding Officer

नई दिल्ली, 17 जनवरी, 2007

का.आ. 432.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भिलाई स्टील

प्लान्ट लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या सी जी आई टी/एनजीपी/28/2005 सीजीआईटी/एन जी पी/एसी/485/आर एल एडी) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-1-2007 को प्राप्त हुआ था।

[सं. एल-29011/79/2004-आई आर (एम)]

एन. एस. बोरा, डेस्क अधिकारी

New Delhi, the 17th January, 2007

S.O. 432.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 the Central Government hereby publishes the Award (Ref. No. CGIT/NGP/28/2005 CGIT/NGP/AC/485/RLAD) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Bhilai Steel Plant and their workmen, which was received by the Central Government on 17-1-2007.

[No. L-29011/79/2004-IR(M)]

N. S. BORA, Desk Officer

ANNEXURE

BEFORE SHRI A. N. YADAV PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR

Case No. C.G.I.T./NGP/28/2005

Date: 21/12/2006

Petitioner : Shri Rajesh Kumar Sharma, Through the
Party No. 1 Secretary, Samyukta Khadan Mazdoor Sangh, Nandini Mines of BSP Dist Durg (Chhattisgarh), Durg (M.P.).

Versus

Respondent : The Managing Director; Bhilai Steel
Party No. 2 Plant, Bhilai, Dist. Durg, Chhattisgarh, Durg (MP).

AWARD

Dated: 21st December 2006

1. The Central Government after satisfying the existence of disputes between SShri Rajesh Kumar Sharma, Through The Secretary, Samyukta Khadan Mazdoor Sangh, Nandini Mines of BSP Dist Durg (Chhattisgarh), Durg (M.P.) Party No.1 and The Managing Director, Bhilai Steel Plant, Bhilai, Dist. Durg, Chhattisgarh, Durg (MP). Party No.2 referred the same for adjudication to this Tribunal vide its Letter No. L 29011/79/2004-IR(M) Dt. 09/03/2005 under clause (d) of sub Section (1) and sub Section (2A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) with the following schedule.

2. "Whether the punishment awarded to Shri Rajesh Kumar Sharma, Attendant P. No. 230505 vide Order No. OMQ/NM/2k/742 Dt. 03-04-2000 and to Shri Mithu, Attendant Quarry, P. No. 820089 VIDE Order No. OMQ/NM/2k/728 Dt. 30-03-2000 of Assistant General Manager I/C, Nandini Mines of Bhilai Steel Plant is legal and justified? If not, to what relief they are entitled?"

3. The above reference came for hearing before the Tribunal on 21-12-2006. The notices of this claim were sent on 07-06-2006 to both parties, however, the petitioner did not attend the court. He is not attending the court right from the beginning and it is pending only for filing a statement of claim. On behalf of the management Law Officer of Bhilai Steel Plant appeared and file his authorization. However, since the petitioner is not taking any interest and not attending the court. I do not find any reason to continue the reference. Hence it is dismissed for default of the petitioner.

Hence this award.

Dated 21-12-2006

A. N. YADAV, Presiding Officer

नई दिल्ली, 18 जनवरी, 2007

का.आ. 433.—औद्योगिक विवाद अधिनियम, 1947 (1947 का. 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. ई. सी. एल. के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या 55/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-1-2007 को प्राप्त हुआ था।

[सं. एल-22012/324/2000-आई आर (सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 18th January, 2007

S.O. 433.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 55/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of SECL and their workmen, which was received by the Central Government on 18-1-2007.

[No. L-22012/324/2000-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR

No. CGIT/LC/R/55/02

Presiding Officer : Shri C. M. Singh

Shri Manoga Thakurm,

Area General Secretary,

Rashtriya Colliery Workers Federation (NLO),

C/O SECL, Korba Colliery,

Korba.

Workman/Union

Versus

The Chief General Manager,

SECL, Korba Area,

PO Korba Colliery,

Korba.

Management

AWARD

Passed on this 5th day of January, 2007

1. The Government of India, Ministry of Labour vide its Notification No.L-22012/324/2000-IR(CM-II) dated 22-3-02 has referred the following dispute for adjudication by this tribunal :

"Whether the action of the management of SECL, Korba Area, Dist. Korba (MP) in proposing to superannuate Sh. B.P. Verma, Assistant Revenue Officer w.e.f. 30-11-2000 instead of 23-3-2002 is legal and justified? If not, to what relief the workman is entitled to?"

2. After the reference order was received, it was duly registered on 22-4-02 and notices were issued to the parties to file their respective statements of claim.

3. Workman Shri B. P. Verma filed his statement of claim. His case in brief is as follows. That he was appointed on 17-11-98 on the basis of Educational Certificate in which his date of birth is 23-3-42 by the management. The management had appointed him before attaining the age of 18 years to utilize him in the interest of company. As per rules/practice of the company, workman Shri B. P. Verma has a right to work till 60 years of age but the management misutilised their power and retired him before completing the age of 60 years. That at the time of appointment, the workman was below 18 years of age. It is now wrongly determined that he was appointed at the age of 18 years. The management taking arbitrary and illegal decision, served retirement notice to the workman w.e.f. 30-11-2000. The termination of service/retirement from service of the workman done by the management vide order dated 28-4-2000 is baseless and he deserves right to continue in service till attaining the age of 60 years. It is prayed by the workman that the order be passed that the retirement notice is baseless and direct the management to keep the workman in continuous service with all monetary benefits and other facilities as per his service condition.

4. The management filed their Written Statement. Their case in brief is as follows. That the service conditions of the employees working in coal industry are governed by various settlements generally known as NCWA. Mines are governed by various legislations such as Coal Mines Nationalisation, Mines Act 1952, Mines Rules, Mines Regulations etc. Section-40 of the Mines Act 1952 reads as follows :

“Section-40: Employment of persons below eighteen years of age- (1) After the commencement of the Mines (Amendment) Act, 1983, no person below 18 years of age shall be allowed to work in any mine or part thereof.”

Under the provisions of Mines rules, certain statutory records such as Form “B” is to be maintained by the management in respect of each worker. The particulars of workers are recorded in the said register as per their declaration given by them at the time of their initial appointment. Under Section-40 of the Mines Act mentioned above, no person can be employed in the Mines below the age of 18 years. That the age of retirement on superannuation is 60 years. Accordingly a person, who is appointed at the age of 18 years can serve to the maximum periods of 42 years (i.e. 18+42=60). It has come to the notice of Government of India, Ministry of Coal that the persons working in the Coal India Ltd., and its subsidiaries, who have rendered or likely to render service of more than 45 years. Considering the retirement age of coal minor and the age of his entry in service of public sector undertaking, it is obvious that persons cannot render service for over 42 years. If any coal minor is working beyond this limit, it is likely that there is something wrong with the documents relating to his entry in the service of the coal company. The Ministry of Coal therefore, issued, a letter dated 1-2-99 to the Coal India Ltd., directing the company to look into this matter and consider taking disciplinary action under the company rules and penal action under the IPC were warranted against such persons. The Ministry also wanted a report in this connection. That on receipt of the said letter, the Coal India Ltd. issued letter No. 1291 dated 13-2-1999 the Chairman/Managing Director of subsidiary companies namely BCCL Dhanbad, CCL Ranchi, SECL Bilaspur, WCL Nagpur, NCL Singrauli, MCL Sambalpur and CMPDI Ranchi, enclosing a copy of the letter by Ministry of Coal with a direction to take necessary action as required by Ministry of Coal. In the light of letter of the Ministry of Coal and the Coal India Limited, SECL Bilaspur issued a letter to GM, SECL, Korba vide No. 194460 dated 27-8-1999 directing the Chief General

Manager to verify the existing reports regarding date of birth to locate glaring cases and take appropriate action to verify the same on immediate basis. In compliance of the said letter, the Dy. Chief Personnel Manager, on behalf of General Manager, SECL, Korba area issued letter No. 1305 dated 15-7-2000 to the Sub Area Manager of Coal Sub Areas of Korba Area for implementation of the decision of the Ministry of Coal. The workman was appointed initially w.e.f. 17-11-1958. As per provisions of Sec. 40 of Mines Act, the age of Mine workers has to be treated as 18 years at the time of initial appointment. Accordingly workman Shri B.P. Verma was treated as 18 years at the time of his initial appointment on 17-11-1958. That on completion of 42 years of service, he was issued retirement notice intimating him that he would be retiring from service w.e.f. 20-11-2000 on superannuation i.e. attaining the age of 60 years. Accordingly the workman was retired on completion of 42 years w.e.f. 20-11-2000. That the workman raised the present dispute claiming that he should have been retired w.e.f. 23-3-02 instead of 30-11-2000 on the ground that his date of birth is 23-3-42. That the claim made by the workman is baseless, misconceived and contrary to the provisions of Section-40 of the Mines Act. Hence the claim made by the workman has no substance and the same is liable to be rejected.

5. While the reference proceedings were in progress, the workman left putting in appearance on the various dates fixed in the reference proceeding. Therefore again notices were issued to the workman to appear and file rejoinder and documents, if any. The ordersheet reveals that even after sufficient service of notice on the workman/Union, no body put in appearance for workman/Union and therefore *vide* order dated 6-3-06 of this tribunal, the case proceeded *exparte* against the workman.

6. The management in support of their case filed affidavit of their witness Smt. J. Komala Valli, the then working as Personnel Manager at area Headquarters, Korba area of the management.

7. I have heard Shri A. K. Shashi, Advocate the learned counsel for the management I have very carefully gone through the evidence on record.

8. As the case proceeded *exparte* against the Workman/Union, there is no evidence on record in support of the claim of the Workman/Union, whereas the case of the management is fully proved from the uncontroverted and unchallenged affidavit of Smt. Komala Valli, management's witness.

9. Under the above circumstances, the reference deserves to be decided in favour of the management and

against the Workman/Union. After having considered the facts and circumstances of the case, I am of the view that the parties should be directed to bear their own costs of this reference.

10. The reference is decided in favour of the management and against the workman holding that the action of the management of SECL, Korba area, Distt. Korba (MP) in proposing to superannuate Sh. B.P. Verma, Assistant Revenue Officer w.e.f. 30-11-2000 instead of 23-3-2002 is legal and justified and consequently the workman is not entitled to any relief. The parties shall bear their own costs of this reference.

11. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 18 जनवरी, 2007

का.आ. 434.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट (संदर्भ संख्या 217/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-1-2007 को प्राप्त हुआ था।

[सं. एल-22012/331/1998-आई आर (सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 18th January, 2007

S.O. 434.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 217/1999) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of SECL and their workmen, which was received by the Central Government on 18-1-2007.

[No. L-22012/331/1998-IR(CM II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/217/99

Presiding Officer : Shri C. M. Singh,

The Executive Committee Member,

S.K.M. Sangh (AITUC),

Near Panchayati Mandir,

Shahdol (MP)

...Workman/Union

Versus

The General Manager,

Sohagpur Area of SECL,

PO Dhanpuri,

Distt. Shahdol (MP)

Sohagpur.

...Management

AWARD

Passed on this 5th day of January, 2007

1. The Government of India, Ministry of Labour vide its Notification No.L-22012/331/98-IR(CM-II) dated 24-5-99 has referred the following dispute for adjudication by this tribunal :

“Whether the action of the General Manager Sohagpur area of SECL, PO Dhanpuri, Distt. Shahdol regarding non-payment of wages to Sh. Chandi, Trammer with effect from 30-5-95 to 12-2-97 is legal and justified? If not, to what relief the concerned workman is entitled?”

2. After the reference order was received, it was duly registered on 14-6-99 and notices were issued to the parties to file their respective statements of claim. The ordersheet dated 21-7-05 reveals that this reference proceeded *ex-parte* against the workman/Union. The order sheet dated 28-12-06 reveals that Shri A. K. Shashi, Advocate appeared for the management and submitted that the management has not to file any Written Statement or evidence.

3. Under the above circumstances, after hearing the learned counsel for the management, the reference was closed for award.

4. It appears from the above that the parties have no interest in the reference proceeding and perhaps no industrial dispute is left between them. Under the circumstances, it shall be just and proper to pass no dispute award without any order as to costs. Consequently no dispute award is passed without any order as to costs.

5. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 18 जनवरी, 2007

का.आ. 435.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक

अधिकरण जबलपुर के पंचाट (संदर्भ संख्या 10/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-1-2007 को प्राप्त हुआ था।

[सं. एल-22012/50/2001-आई आर (सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 18th January, 2007

S.O. 435.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 10/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial Dispute between the management of Mohan Colliery of WCL and their workmen, received by the Central Government on 18-1-2007.

[No. L-22012/50/2001-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/10/02

Presiding Officer : Shri C. M. Singh,

The General Secretary,
R.K.K.M.S. (INTUC),
PO Chandametta,
Chhindwara

...Workman/Union

Versus

The General Manager,
WCL, Pench Area, PO Parasia,
Distt. Chhindwara (MP)

...Management

AWARD

Passed on this 5th day of January, 2007

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/50/2001-IR(CM-II) dated 24-12-2001 has referred the following dispute for adjudication by this tribunal:—

"Whether the action of the Sub Area Manager, Thesgora Sub Area of WCL, PO Parasia, Distt. Chhindwara in terminating the services of Shri Wali Mohd. S/o Noor

Mohd. Mech.Fitter of Thesgora U.G Mine of WCL w.e.f. 2-11-99 is legal and justified? If not, to what relief he is entitled to?"

2. After the reference order was received, it was duly registered on 3-1-02 and notices were issued to the parties to file their respective statements of claim. The order sheet dated 5-8-05 of the reference proceeding reveals that inspite of sufficient service of notice on the workman/Union, no one put in appearance on behalf of workman/Union and failed to file the statement of claim. Therefore the reference proceeded *ex parte* against the workman/Union. The order sheet dated 28-12-06 reveals that Shri A.K. Shashi appeared for the management and submitted that the management has not to file any written statment or evidence.

3. Under the above circumstances, after hearing the learned counsel for the management, the reference was closed for award.

4. It appears from the above that the parties have no interest in the reference proceeding and perhaps no industrial dispute is left between them. Under the circumstances, it shall be just and proper to pass no dispute award without any order as to costs. Consequently no dispute award is passed without any order as to costs.

5. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 18 जनवरी, 2007

का.आ. 436.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आर्केलोजिकल सर्वे आफ इण्डिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट (संदर्भ संख्या 58/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-1-2007 को प्राप्त हुआ था।

[सं. एल-42012/62/2004-आई आर (सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 18th January, 2007

S.O. 436.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 58/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial Dispute between the management of

Archaeological Survey of India, and their workmen, received by the Central Government on 18-1-2007.

[No. L-42012/62/2004-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR**

No. CGIT/LC/R/58/05

Presiding Officer : Shri C. M. Singh

The General Secretary,

All India Archaeological Survey Mazdoor Union,

(INTUC), 43/305/18, Nai awadi,

Near Mishan Church, Sikandra,

Agra (UP)

....Union

Versus

The Superintending Archaeologist,

Archaeological Survey of India,

Professor Colony, New Market,

Near Aplana Talkies,

Bhopal

...Management

AWARD

Passed on this 4th day of January, 2007

1. The Government of India, Ministry of Labour vide its Notification No. L-42012/62/2004-IR (CM-II) dated 24-6-05 has referred the following dispute for adjudication by this tribunal:—

“Whether the action of the management of Archaeological Survey of India in not regularising the daily wagers in Bhopal Division who have worked for more than 240 days as per seniority is legal and justified? If not, to what relief the workmen are entitled?”

“Whether the action of the management of Archaeological Survey of India in not listing the daily wagers of Bhopal Division on seniority basis is legal and justified? If not, to what relief the workmen are entitled?”

“Whether the action of the management of Archaeological Survey of India in not issuing I. cards to the daily wagers in Bhopal Division is legal and justified? If not, to what relief the workmen are entitled?”

“Whether the action of the management of Archaeological Survey of India in not paying handicapped allowance to the regular employees of Bhopal Division is legal and justified? If not, to what relief the workmen are entitled?”

2. After the reference order was received, it was duly registered on 22-7-05 and notices were issued to the parties to file their respective statements of claim. In spite of sufficient service of notice on the workmen/Union, no body put in appearance for the workmen/Union and no statement of claim filed for them. Therefore on 30-11-06, the reference

was ordered to proceed ex parte against the workmen/Union and the management was given an opportunity to file their statement of claim, if any, on 2-1-07. On 2-01-07, Shri S. K. Gupta, Advocate for management submitted that management has not to file any statement of claim. Under the above circumstances, this tribunal was left with no option but to close the reference for award and consequently the reference was closed for award.

3. It appears from the above that the parties have no interest in the industrial dispute and therefore it shall be just and proper to pass a no dispute award in this case.

4. In view of the above, no dispute award is passed without any order as to costs.

5. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 18 जनवरी, 2007

का.आ. 437.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.ई.सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट (संदर्भ संख्या 154/1995) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-1-2007 को प्राप्त हुआ था।

[सं. एल-22012/22/1995-आई आर (सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 18th January, 2007

S.O. 437.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 154/1995) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of SECL, and their workmen, which was received by the Central Government on 18-1-2007.

[No. L-22012/22/1995-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR**

No. CGIT/LC/R/154/95

Presiding Officer : SHRI C.M. SINGH

Shri Jagdish Singh,

General Secretary,

Koyla Mazdoor Sabha (UTUC),

Post Dhanpuri,

Distt. Shahdol (MP)Workman/Union
Versus
 The General Manager,
 Sohagpur Area, SECL,
 Post Dhanpuri,
 Distt. Shahdol (MP) ...Management

AWARD

Passed on this 3rd day of January, 2007

1. The Government of India, Ministry of Labour *vide* its Notification No. L-22012/22/95-IR(C-II) dated 29-8-95 has referred the following dispute for adjudication by this tribunal :—

“क्या प्रबंधतंत्र महाप्रबंधक, सोहागपुर क्षेत्र, साउथ ईस्टर्न कोल फील्ड्स लि., पोस्ट धनपुरी, जिला शहडोल (म.प्र.) के प्रबंधकों द्वारा श्री दयाराम शर्मा, टो.नं. 1213, क्लर्क, अमलई कोलरी को दिनांक 01-4-91 से स्पेशल ग्रेड क्लर्क के पद पर पदोन्नत न करते हुए 1-1-93 से पदोन्नति की जाने की कार्यवाही न्यायोचित है? यदि नहीं तो संबंधित कर्मकार किस अनुतोष का हकदार है?”

2. The case of the workman Shri Dayaram Sharma in brief is as follows. That he is a worker Token No. 1213 of Amlai Colliery. He was given clerical Grade-I on 1-8-85. He has been working as Accountant/cashier since 2-8-86. He should have been promoted as a special Grade Clerk in 1991 in accordance with the provisions of National Coal Wage Agreement-III. Instead of promoting him from 1991, he was promoted on 1-1-93. He was initially appointed on 29-1-68 but the junior clerks Shri M.P. Dwivedi and Shri B.S. Tiwari were promoted to the post of special grade clerk from 1-4-91 whereas according to rules, the workman should have been promoted as a special grade clerk from 1-4-91 because Shri B.S. Tiwari and Shri Dayaram Sharma were promoted on clerical Grade-I from 1-8-85. It is therefore requested that the management be directed to promote workman Shri Dayaram Sharma on the post of special Grade clerk from 1-4-91.

3. The management contested the reference and filed their Written Statement. Their case in brief is as follows. Workman Shri Dayaram Sharma was in General Ministerial cadre in the year 1985. He opted for change of his cadre and accordingly he was shifted to Accounts cadre w.e.f. 2-8-86. That the Accounts and Cash cadres are different as per cadre scheme circulated by JBCCI and workman Shri Dayaram Sharma can work only in Accounts cadre and not in cash cadre as claimed by workman/Union. The promotions are based on availability of posts and subject to suitability as per the cadre scheme and cannot be claimed as a matter of right. There is no provision of time bound promotion in any of the cadre in which the workman Dayaram Sharma has worked. It is not correct to say that

Shri N.D. Dwivedi and Shri B.S. Tiwari are juniors to workman Shri Dayaram Sharma. Infact, they were also working in General Ministerial Cadre and they continued in the same cadre and are still continuing. After the workman Shri Dayaram Sharma was absorbed in Accounts cadre w.e.f. 2-8-86, seniority position of Shri Sharma automatically changed and he cannot compare his seniority with Shri N.P. Dwivedi and Shri B.S. Tiwari. There is no supersession as alleged and workman Shri Dayaram Sharma has been rightly promoted on the recommendation of DPC on availability of post in the year 1993. The workman is not entitled to any relief whatsoever.

4. In spite of sufficient service of notice, the workman/Union did not put in appearance and therefore vide order dated 1-4-05, the reference proceeded *ex parte* against the workman.

5. As the case proceeded *ex parte* against the workman, no evidence has been adduced on behalf of the workman. The management filed affidavit of Shri K.A. Sunder, the then working as Dy. Personnel Manager in Amlai and Bangwar Sub Area, Sohagpur area of SECL Ltd. in order to prove their case.

6. I have heard Shri A.K. Shashi, Advocate the learned counsel for the parties and perused the evidence on record very carefully.

7. There is no evidence on record for proving the case of workman. Against the above, the case of the management is fully established from the uncontroverted and unchallenged affidavit of management's witness Shri K.A. Sunder. The reference, therefore, deserves to be answered in favour of the management and against the workman. But considering the facts and circumstances of the case, I am of the view that the parties should be directed to bear their own costs of this reference.

8. In view of the above, the reference is decided in favour of the management and against the workman as follows :—

“प्रबंधतंत्र महाप्रबंधक, सोहागपुर क्षेत्र, साउथ ईस्टर्न कोल फील्ड्स लि., पोस्ट धनपुरी, जिला शहडोल (म.प्र.) के प्रबंधकों द्वारा श्री दयाराम शर्मा, टो.नं. 1213, क्लर्क, अमलई कोलरी को दिनांक 1-4-91 से स्पेशल ग्रेड क्लर्क के पद पर पदोन्नत न करते हुए 1-1-93 से पदोन्नति की जाने की कार्यवाही न्यायोचित है? संबंधित कर्मकार किसी अनुतोष का हकदार नहीं है?”

9. The parties shall bear their own costs of this reference.

10. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली 18 जनवरी, 2007

का.आ. 438.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वेस्टर्न रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ संख्या 73/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-1-2007 को प्राप्त हुआ था।

[सं. एल-12025/8/2006-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 18th January, 2007

S.O. 438.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.73/2005) of the Central Government Industrial Tribunal -cum-Labour Court, Ahmedabad as shown in the Annexure in the Industrial Dispute between the management of Western Railway, and their workmen, received by the Central Government on 18-1-2007.

[No. L-12025/8/2006-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT

Shri A. A. LAD, Presiding Officer

(Complaint C.G.I.T.A.) No. 73/2005

Daya Shankar Ojha

Complainant

Versus

Sr. Divisional Mechanical Engineer,
Western Railway,
Ahmedabad.

Opponent

APPEARANCE

Complainant : Shri Hitesh Katharotiya

Opponent : Absent

ORDER

1. The complainant has filed this complaint under Section 33A of the Industrial Disputes Act stating that reference of Industrial Disputes Act, no. 550/2005 is pending. He felted that opponent may terminated him. So he prayed to direct opponent not to remove him from the employment till the reference No 550/2004 is disposed of.

2. This was not dispute by the railway. However, rozanama reveals that complainant is not interested in proceeding with the complaint and filed purshis Ex. 6,

reporting that his complaint to be disposed off. As a result of that complaint was pending for order. Hence I pass the following order :

ORDER

Complaint is disposed of in view of purshis Ex. 6 for want of prosecution. No order as to cost.

Date : 6-12-2006 A. A. LAD, Presiding Officer
Ahmedabad.

नई दिल्ली 19 जनवरी, 2007

का.आ. 439.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ हैदराबाद के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बंगलौर के पंचाट (संदर्भ संख्या 52/2003, 63/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-1-2007 को प्राप्त हुआ था।

[सं. एल-12012/141/2003-आई आर (बी-1)]

एल-12012/135/2003-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 19th January, 2007

S.O. 439.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.52/2003, 63/2003) of the Central Government Industrial Tribunal Labour Court Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of Hyderabad, and their workmen, which was received by the Central Government on 18-1-2007.

[No. L-12012/141/2003-IR (B-I)]

L-12012/135/2003-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT BANGALORE

Dated 3rd January 2007

PRESENT

Shri A. R. SIDDIQUI, Presiding Officer

C. R. No. 52/2003

IPARTY

Shri Ramesh,
S/o Shri Basawanappa Bhure,
Resident of Chikkalchanda Bhaiki
Taluk, Bidar Dist.,
Karnataka State.

II PARTY

1. The Asstt. General Manager,
State Bank of Hyderabad,
Zonal Office, Gulbarga,
Karnataka State.

2. The Branch Manager,
State Bank of Hyderabad,
Bhalki- 585 328,
Bidar District,
Karnataka State.

C.R.No.63/2003**I PARTY**

Shri Sunil,
S/o Shri Vishwanath Enakure,
Station Road, Nazerath Colony,
Bhalki PO, Bidar Distt.
KARNATAKASTATE.

II PARTY

1. The Asstt. General Manager,
State Bank of Hyderabad,
Zonal Office-Gulbarga,
Karnataka State.

2. The Branch Manager,
State Bank of Hyderabad,
Bhalki- 585 328,
Bidar District,
Karnataka State.

COMMON AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order. No.L-12012/141/2003(IR(B-I) dated 22nd August 2003 & No.L-12012/135/2003-IR(B-I) dated 22nd October, 2003 for adjudication on the following schedule:

SCHEDULE(CR. 52/2003)

“Whether the action of the management of State Bank of Hyderabad, in relation to their Bhalki Branch, Bidar, Karnataka State in terminating the services of Shri Ramesh S/o Baswanapa Bhure, Ex. Temporary Peon is justified? If not, what relief the workman is entitled to?”

SCHEDULE(CR. 63/2003)

“Whether the action of the management of State Bank of Hyderabad, Bhalki Branch, Bidar District, Karnataka State in terminating the services of Shri Sunil S/o Shri Viswanath Enakure, Ex. Temporary Mali/Peon with effect from 31-12-2001 is justified? If not what relief the workman is entitled to?”

2. These two proceedings have been taken together for disposal by common award as facts and point of law

involved are common to both the cases and the management is the same.

3. The case of the first party workman in CR No.52/03 in brief is that he has been working with the management as a Peon /Mali since the year 1991 drawing a salary of Rs. 500/-per month and earlier to that he was paid Rs.300/-per month. He has been working to the permanent nature of work and his name had been sponsored through, Employment Exchange. However, he was refused work by the Manager, Shri R.S. Harwalkar w.e.f. 31-12-2001, which action of the management is against the principles of natural justice and amounts to retrenchment there being no compliance of Section 25F of the ID Act and therefore, award may be passed in his favour reinstating him in service with continuity of service and back wages etc.

4. The case of the first party workman in CR NO . 63/03 is to the effect that he has been working with the management bank since the year 1993 as a Peon/Mali, his name being sponsored through Employment Exchange and that he has been illegally refused work w.e.f. 31-12-2001 and therefore, action of the management amounts to retrenchment and against the principles of natural justice to be quashed at the hands of this tribunal. Both the first party workmen have also contended that their names have been recommended by the bank authorities to the higher officers for higher salary and to continue them in services.

5. The common grounds urged in the counter statements filed by the management in both the cases is to the effect that the first party workmen have never worked with the bank continuously either from the year 1991 or from the year 1993 or they worked continuously for a period of 240 days and more in any calendar year. No letter of appoint has been issued in their favour and they have not been appointed as a regular sub staff, their names being sponsored through employment exchange but they have been taken on work as casual workers whenever their services were required and therefore, refusal of work to the first party workmen does not come under the definition of termination much less amounting to retrenchment under the provisions of ID Act. The management also contended that as per the Government of India guidelines, the temporary appointments are strictly prohibited as they provide a back door entry to the bank in subordinate cadre and to that effect there are circulars dated 2-12-1997, 10-7-1998, 24-9-1999; 20-9-2000, 16-07-2002. Therefore, the references are liable to be dismissed.

6. During the course of trial, the management examined said Shri R.S. Harwalkar as a common witness by filing his affidavit by way of examination chief and common cross examination was done to this witness on behalf of both the first party workmen. As against this, the first party workmen have filed their respective affidavits by way of examination chief and they have been cross examined. No document as such were marked on behalf of the management and

whereas, the first party workman in CR No.52/03 got marked 7 documents at Ex. W1 to W7 and the other workman in CR No.63/03 got marked 9 documents at Ex. W4 to W12 (ought to have been W6 to W14) as he got marked two documents at Ex. W4 & W5 in the cross-examination of management witnesses.

7. Statement of management witness by way of examination chief is just the repetition of the various contentions taken by the management in its Counter Statement. The relevant averments of MW1 in his affidavit at Ex. M5 in both the cases is to the effect that the first party workmen have not been appointed by the bank in any category at any time and their services were utilized as casual labourers on day to day basis as and when the permanent sub-staff were on leave or any other additional work was to be attended. They have not been employed to do any regular work of permanent nature. It is further stated that they were not employed even on casual/temporary basis prior to 1997 as per the records of the Bank and that they have not been engaged through Employment Exchange. In his cross-examination it was elicited that he joined the services of the Bank in the month of November, 2001 and the first party workmen have not worked under him. He has gone through some of the records available with the bank and not all the records while giving his affidavit. He stated that for payment of daily wages to any casual labourer, records are maintained by the Bank by way of loose sheet showing the payment and those sheets can be produced before this Tribunal. He denied the suggestion that the workmen have been paid bonus for the year 1998-99 but admitted that there is a record maintained to show the payment of bonus. He admitted that the letters at Ex. W2 & W3 are written by the then Manager, K. K. V. Prasad Rao recommending the case of the first party workmen for the payment of consolidated wages. Then he stated that they have maintained "Kacha" register from 1997 onwards for payment of wages to daily casual workers and he can produce those registers. In his further cross-examination it was elicited that the Bank has prepared the statement giving the details of the payment of the wages to the workmen and they have been marked respectively in both the cases at Ex. W4 & W5.

8. The first party workmen have also in their affidavit evidence narrated the various averments made in their respective Claim Statements and during the cross-examination in both the cases it was elicited that their services were being engaged by the Bank Manager and that they have not been issued any appointment letters. It was elicited that they were paid wages of Rs.6001 monthly attending the work through out the month but they hold no ESI Card. I would like to come to the documents produced on behalf of the first party workmen a little later.

9. Learned counsels for the respective parties have submitted their written arguments once again reiterating their respective claims by way of Claim Statements and

Counter Statements and have also referred to the documents marked during the course of deposition of the witnesses. Learned counsel M/s. H. M.R. representing the first party workmen in both the cases also submitted her oral arguments to the effect that these first party workmen have been working with the Management Bank continuously for the last 10 years but have not been appointed as per the rules though their names were obtained from the Employment Exchange on the ground that they will be taken in service as casual workers. She contended that from the letters of recommendations marked in both the cases, it becomes crystal clear that the then Bank authorities at the branch had recommended to the Higher Authorities giving out the details that first party workmen have been working with the branch very sincerely and regularly for want of regular staff and they should be paid consolidated wages and their services to be approved. But unfortunately, the first party workmen's services have been kept hanging without regularizing their services and ultimately, their services have been terminated for no good reasons much less without any show cause notice or conducting any enquiry or any compliance of Section 25F of the ID Act and therefore, termination order is liable to be set aside and awards are to be passed in favour of the workmen for the reliefs sought for.

10. Whereas, learned counsel for the Management in his oral argument submitted that services of the first party workmen having been taken on temporary basis, there is no question of terminating their services. He submitted that if the first party workmen have not been given work from a particular date on the ground that the work is not available, they cannot make a grievance out of it, their services being engaged only on the condition of the availability of the work. Learned counsel referred to various rulings in his written arguments to support his case.

11. The fact that the first party workmen had been in the service of the management Bank for about a period of 10 years as on the date they were refused work by the management bank is not to be disputed in the light of the above said recommendation letter at Ex. W2 marked in both the cases written by the then Manager, Shri K. K. V. Prasad Rao as on 20-8-2000. In this letter there is a clear mention of the fact that the workman Shri Ramesh in CR 52/03 has been working with the Bank since 1991 and whereas, the workman Shri Sunil in CR No.63/03 has been working since 1993. There is a very strong case made out in favour of both these workmen by way of recommendation for the purpose of payment of consolidated wages. It has been stated in the said letter that one Mr. Prabhu left the branch without information in December, 1989 and not turned up thereafter and therefore, services of these two workmen to do the job of water boy/Lunch Room Attendant. Mali etc. are very much essential with the branch in question. Vide letter at Ex. W3 which is written by the said Branch Manager to the Assistant General Manager, there is a mention of

ground floor area and the services of a Sweeper for the said purpose of said Ramesh. The documents at Ex. W4 & W5 marked in the examination chief of first party workman, Shri Ramesh would disclose that this workman is in the services of the management Bank right from the year 1991 up till December, 2001 and he has been paid bonus for the year 1998-99. The genuineness of these two documents again has not been challenged on behalf of the management. The document at Ex. W6 dated 28-1-2002 reads to the effect that it is the letter written to the Assistant General Manager by the then Branch Manager proposing for sanction of post of part-time employees on scale wages giving the names of these two workmen showing them working as Mali-Cum-Peon & Lunch Room Attender-cum-Peon respectively. Document at Ex. W7 is another letter dated 4-12-1998 recommending the case of the workman, Shri Ramesh to the Assistant General Manager stating that he has been working with the Bank as a Peon at their extension counter since February, 1998 on transfer of Mr. Dixit to Bijapur. It is also made clear that as the branch is having only two sub-staff since 1988 they are running the branch by taking the services of two temporary Peons namely, the first party workmen, Shri Ramesh & Sunil. The documents marked on behalf of the first party workman, Shri Sunil in CR No. 63/03 relevant for the purpose are again the aforesaid two recommendation letters at Ex. W2 & W3 and the statement prepared by him at Ex. W4 to show that he has been working with the management Bank since 1993 till 31-12-2001. The document at Ex. W5 is the letter written by the Branch Manager to the Employment Exchange office to submit the panel list of candidates for casual appointments. Ex. W6 is the copy of the letter already marked as Ex. W3., Ex. W7 is the letter dated 6-4-2000 addressed to the Branch Manager by the then Assistant General Manager recommending the case of the workman, Sunil to the appointment of Mali at the said branch and wherein mentioned the fact that the names of these two workmen have been sent to the branch by Employment Exchange Office in response to the above said letter of the Branch Manager to the said office. Ex. W8 is the copy of the letter marked at Ex. W12., Ex. W9 is another letter dated 4-3-1999 written by the Assistant General Manager to the then Branch Manager seeking details with regard to the appointment of the workman, Shri Sunil as a Mali on casual basis. Ex. W10 is the same letter has been marked as W2 in CR 52/2003. The next two important documents marked during the Examination Chief on behalf of Sunil is the xerox copy of the statement prepared by the Bank and admitted by the management witness in his cross-examination showing the payment of wages made to the workman, Shri Sunil right from the year 1997 up till December, 2001 and the payment of wages made to the workman Shri Ramesh from the year 1997 till January, 2000. Therefore, from the oral and documentary evidence brought on record it can be seen that the first party workmen have been in the service of the Management Bank for about a period of 10 years

atleast *i.e.* one working with the Bank from the year 1991 and the other working with the Bank since the year 1993. The affidavit of the management witness as noted above, however, is to the effect that these workmen have been engaged by the Management Bank from the year 1997 onwards and not earlier to that. The various recommendation letters referred to supra would go to reveal that these two workmen are being engaged by the Management Bank as a Mali-cum-Peon, Waterboy, Attender etc. in the place of regular sub-staff, one remaining absent from duty for ever and the other being transferred from the management branch. There are recommendations in very clear words made by the Branch Manager to the other higher authorities giving out the details that these two workmen have been in the employment of the branch attending the aforesaid duties regularly and sincerely and recommendations to the above fact was made for the purpose of consolidated wages. The document at Ex. W4, marked during the course of cross-examination of MW1 as noted above, in CR No.63/03 would make it abundantly clear that the first party workman, Shri Sunil had been working with the Bank continuously from the year 1997 till December, 2001. As noted above, MW1 has admitted that this statement being prepared by the branch itself showing the payment of wages to the said workman. Of course, similar statement in respect of workman, Shri Ramesh has not been produced, but keeping in view the stand taken by the management common in respect to both the workmen, it cannot be said that workman, Shri Ramesh did not work continuously from the year 1997 till his services were terminated. The fact that these workmen have been engaged by the management bank on temporary basis and not appointed on regular basis is not disputed and cannot be disputed in the light of the documentary evidence already referred to supra. It cannot also be disputed that these two workmen are in the services of the Management Bank atleast from the year 1997 onwards till their services were terminated. Now, therefore, the only question to be considered would be whether their terminations was illegal amounting to retrenchment as defined under Section 2(oo) read with Section 25F of the ID Act. In order to, appreciate this question, one has to find out whether these two workmen had been working with the Management Bank continuously for a period of 240 days and more immediately before their services were terminated. The aforesaid documents at Ex. W4 make it abundantly clear that the first party workman, Sunil worked with the Management Bank continuously from 1997 onwards till his services were terminated in the month of December, 2001. As per the above said statement prepared by the bank itself, it is abundantly clear that he has been paid consolidated wages of Rs.1000 all along during the period of 12 months from December, 2001 backwards. Therefore, this statement being the document of the management itself, the management cannot be allowed to take a stand that workman, Sunil has not done service continuously for a period of 240 days and

more in a calendar year immediately preceding his termination. As noted above, the management since has taken a common ground with regard to both the workmen, then it is to be presumed that the other workman, Shri Ramesh also has been in continuous service of the management for a period of 240 days and more immediately before his services were terminated. Moreover, as argued for the first party workmen the management witness in his cross examination admitted the existence of certain records and registers speaking to the fact that casual workers have been paid wages from the year 1997 onwards and that those registers can be produced by the management. Therefore, undisputedly, the workmen being in the service of the management bank rightly from the year 1997 onwards as admitted by the management itself through MW1 in his affidavit and in view of the fact that the management did not produce the records in its possession as admitted by MW1 to disprove the case of the workmen, there cannot be any hesitation to come to the conclusion that the first party have been working with the management continuously for a period of 240 days and more immediately before their services came to be terminated. If we proceed on the above said assumption, then it goes without saying that the action of the management in terminating their services certainly amounts to retrenchment as defined under Section 2(oo) of the 10 Act and there being no compliance of Section 25 F of the ID Act. Therefore, it is to be held that termination is illegal and void ab initio. Since the termination is held to be illegal and invalid, in the normal course the first party would have been entitled to the relief of reinstatement, back wages and other attended benefits.

12. However, keeping in view the undisputed fact that the first party workmen are being engaged by the management bank only as casual workers, of course, for a petty long time and their services could have been terminated by the management bank resorting to Section 25 F of the ID Act, there is no point in granting relief of reinstatement. Therefore, it appears to me that ends of justice will be met if the first party workmen are paid some lump sum compensation amount in lieu of reinstatement, back wages and other attended benefits and in the result, each of the workmen is ordered to be paid a compensation of Rs.1,50,000/- as a full final settlement of their claims against the management. Accordingly, references are allowed and following award is passed:

AWARD

The management is directed to pay a sum of Rs. 1,50,000/- to each of the first party workmen, Shri Ramesh & Sunil towards their full final settlement of the claims against the management within the period of six months from the date of publication of this award, failing which the amount shall carry an interest at the rate of 9 per cent per annum till its realization. Copy of the order may be kept in CR No.63/03.

(Dictated to PA transcribed by her corrected and signed by me on 3rd January 2007)

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली 19 जनवरी, 2007

का.आ. 440.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार गुडगांव ग्रामीण बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-I, नई दिल्ली के पंचाट (संदर्भ संख्या 8/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-1-2007 को प्राप्त हुआ था।

[सं. एल-12011/39/2000-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 19th January, 2007

S.O. 440.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.8/2001) of the Central Government Industrial Tribunal-cum-Labour Court-I, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Gurgaon Gramin Bank and their workman, which was received by the Central Government on 18-1-2007.

[No. L-12011/39/2000-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE SHRI SANT SINGH BAL, PRESIDING
OFFICER CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT
NO. I, NEW DELHI
I.D.NO. 8/2001

In the matter of dispute between:

The General Secretary,
Gurgaon Gramin Bank
Workers Organisation,
731, Adarsh Nagar,
Rewari-123401

.....Workman

Versus

The Chairman,
Gurgaon Gramin Bank,
Head Office, 2069/4,
Urban State,
Gurgaon-122017

....Management

AWARD

The Central Government in the Ministry of Labour vide its Order No.L-12011/39/2000- IR(B-I) dated 17-1-2001 has referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the management in not agreeing with the following four demands of the union is justified or not? If not what relief the workmen are entitled to:

1. Categorization of the branches for scale -III and II as per the Direction of the NABARD contained in their letter dated 20-03-1993
2. Payment of officiating allowance to 82 -Eloyees from 1-9-87 to 5-4-94
3. Providing of facilities to the employees of RRB's by NABARD/Government of India to unions office bearers of recognised Unions.
4. Payment of arrears of revision of pay scale as per the NIT Award to employees for the year 1995-96 and 97."

2. Applicant has put forward demands namely categorization of all branches of the Gurgaon Gramin Bank w.e.f. 1994 as per NABARD contained in their letter dated 20-3-93 2-Demand is with respect to increase of arrears of officiating amount to 82 employees from 1-9-87 to 5-4-94 with interest @ 18% from the date of entitlement till its actual payment and 3rd demand is with respect to provide facilities such as 10 days special casual leaves etc. at par with the sponsored bank vide letter dated 22-2-91 Lastly 4th demand is in respect of payment of NIT arrear taking action against the Chairman of the respondent bank under section 25-U and 25T of I.D. Act for adopting unfair Labour practice as the arrears of certain employees were not released despite Supreme Court order dated 12-4-96 etc.etc.

3. Management contested the claim by filing written statement stating therein that demand No.1 regarding categorization of branches has been completed upto 31st of March, 2000 as per NABARD circular No.NB.IDD.RRCBD/C.1573/316 (GEN)/94-95 dated 17-9-1994 and IDD.RRCBD/1736/C-316 (GEN)/98-99 dated 19-9-1998. The issue of categorisation of branches has no bearing on service conditions of workmen. Therefore, this issue does not come under the category of industrial dispute. The letter dated 19-10-98 of Sponsor Bank pertains to another dispute which is pending at CGIT, Chandigarh regarding computerization increment and pay parity of clerks equal to stenographer GGBWO is misinterpreting the true sense of the said letter by picking up one sentence of this letter and projecting it in isolation. The letter read as a whole does not depict the meaning or sense which applicant is trying to project and the management has not adopted any unfair labour practice. Regarding demand No.2 payment of Officiating allowance to 82 employees. It is stated that the seniority list of clerical cadre was to be formed including the erstwhile senior clerks. There was only one Stenographer in the Bank. He was notionally promoted as Field Supervisor w.e.f. 13-6-1990 Aggrieved

by this action of the Bank, 59 clerks, most of them from the applicant union have filed two separate Civil Writ Petitions in the High Court of Chandigarh. This grouse is also pending before the CGIT Chandigarh and even a Civil Suit is pending disposal at Faridabad Court. It is stated that post of Senior Clerk was abolished vide circular dated 22-2-91 and a circular was issued to the branches informing them about the abolition of the post of Senior Clerk. Since the post of Senior Clerk was abolished by Govt. of India w.e.f. 1-9-87 and informed of branches vide circular dated 25-3-91 hence the duly performed by the erstwhile Senior Clerks was in the capacity of Clerks only. Hence demand of officiating allowance is misconceived. There is no provision of payment of officiating allowance to the Senior Clerks vide Govt. of India letter dated 22-2-91. It is also stated that It is also stated that two writ petitions No.7149-50 and 132 of 1984 were filed in the Supreme Court of India seeking inter alia parity of employees of Nationalised Banks in respect of pay, salary, other allowances and other benefits payable to the employees of RRBs. The decision of the Tribunal was to be final and binding on both the parties. National Industrial Tribunal was ordered by the Supreme Court to decide this issue relating to pay salary, other allowances and other benefits payable to the employees of RRBs. The decision of the Tribunal was to be final and binding on both the parties. The tribunal by its award dated 30-4-90 observed that the Officers and other employees of RRBs will be entitled to claim parity with the Officers and other employees of the Sponsor Bank in the matter of pay scales, allowances and other benefits. The Tribunal also observed "so far as the equation of posts and the consequent fixation of the new scales of pay, allowances and other benefits for officers and other employees of the RRBs at par with the Officers and other employees of comparable level in corresponding posts in Sponsor Banks and their fitment into the new scales of pay as are applicable to officers of Sponsor Banks in corresponding posts of comparable level, it is a matter which has to be decided by the Central Government in consultation with such authorities as it may consider necessary. This will also include the pay scales, benefits, other allowances and fitment of sub-staff of RRBs with the substaff of Sponsor Banks. This award is accordingly passed and it shall cover all the existing RRBs. The Award shall be given effect to from 1st day of September, 1987." Claim is barred by principle of estoppel as the employees have been accepting the benefits under the said Award and the Central Govt. has not issued any direction for payment of officiating allowance to erstwhile Senior Clerks under the said Award. Hence the management is not adopting unfair labour practice. Pertaining to demand No.4 payment of NIT arrear to Shri Satish Parkash and Shri Ram Phal for the period from 1-9-87 to 31-12-90 has not been referred for adjudication to the Tribunal. This demand is misconceived.

4. Management in this case was proceeded *ex-parte* on 14-11-05 and case was fixed for *ex-parte* evidence of the workman by way of affidavit but the workman did not appear on subsequent hearings on 20-3-06, 5-9-06, 30-10-06 and today on 3-1-07. AIR for the workman last appeared on 8-6-06. It appears that the workman claimant is not interested in the prosecution of this case giving rise to the presumption that he does not dispute the correctness of the action of the management. Hence No Dispute Award is accordingly passed. File be consigned to record room.

Further it is ordered that the requisite number of copies of this Award may be forwarded to the Central Govt. for necessary action at their end.

Dated : 3-1-2007 =

SANT SINGH BAL, Presiding Officer

नई दिल्ली 19 जनवरी, 2007

का.आ. 441.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कोंकण रेलवे कारपोरेशन लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-I मुम्बई के पंचाट (संदर्भ संख्या 56/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-1-2007 को प्राप्त हुआ था।

[सं. एल-41012/146/2003-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 19th January, 2007

S.O. 441.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 56/2003) of the Central Government Industrial Tribunal No.-I Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Konkan Railway Corporation Ltd. and their workman, which was received by the Central Government on 18-1-2007.

[No. L-41012/146/2003-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL

NO. I, MUMBAI

PRESENT

Justice Ghanshyam Dass, Presiding Officer

Reference No. CGIT 56 of 2003

ARTIES

employers in relation to the Management of :
Konkan Railway Corporation Ltd.

And

Their workmen

APPEARANCES

For the Management : Mr. G. Naik, Adv.

For the Union : Mr. J. P. Sawant,
Adv.

State : Maharashtra

Mumbai dated the 4th day of January, 2007

AWARD

1. This is a reference made by the Central Government in exercise of its powers under clause (d) of sub-section 1 of Section 10 of the Industrial Disputes Act, 1947 (the Act for short) *vide* Government of India, Ministry of Labour, New Delhi Order No. L-41012/146/2003-IR (B-I) dated 25-9-2003, the terms of reference given in the Schedule are as follows :

"Whether the action of the management of Konkan Railway Corporation Ltd. in reducing the pay scale from Rs. 950-1500 to Rs. 750-940 w.e.f. 1-7-96 of Shri Deepraj D. Kekar, Khalasi (Mech.) is legal and justified? If not, what relief the applicant concerned is entitled to and from which date?"

2. The matter in question is related to an employee Shri. Deepraj D. Kekar, Khalasi (Mechanical) (hereinafter referred to as workman), who was employed with Konkan Railway Corporation Ltd. (hereinafter referred to as Management). The claim has been espoused by Nhasasheva Port Trust and General Workers Union for the workman through its Vice-President (hereinafter referred to as the Union). The workman was admittedly employed with the Management as Driver w.e.f. 23-11-1994. Initially he was paid the wages @ Rs. 40 per working day for a period of six months. After completion of six months satisfactory service, the workman was admittedly paid consolidated wages @ Rs. 2,140 p.m. w.e.f. 23-5-1995. After completion of one year satisfactory service, the workman was admittedly placed in a regular pay scale of Rs. 950-1500 w.e.f. 23-11-1995. Admittedly, the workman was informed by the Chief Engineer, Panaji for the Management *vide* letter dt. 09-7-1996 to the effect "During Medical Examination on 27-6-96 by CMO, you are found medically unfit to continue as Driver. You will be offered alternative job as Helper, in Grade Rs. 750-940. If you are willing to continue in KRCL as a Helper please communicate your unconditional acceptance to Work as Helper. You will be posted to work under the Rly. Doctor for the present." The workman accordingly submitted his unconditional acceptance *vide* letter dt. 11-7-1996. The workman was accordingly placed in the pay scale of Rs. 750-940 w.e.f. 1/7/1996.

3. The placement of the workman in the lower pay scale on the ground of medical unfitness has been challenged by the Union on the following grounds:—

- (i) The workman has been working in the capacity of Driver right from the date of his appointment i.e. 23-11-1994 and he possesses valid driving license.
- (ii) The workman has been assigned the work attached to the post of Driver even after posting as Helper/Khalasi (Mech.) and reducing his pay scale from Rs. 950-1500 to Rs. 750-940 with effect from 1-7-1996.
- (iii) The workman has been issued a Certificate of Merit dated 30-4-1996 for his sincere and exemplary service in the capacity of Driver by the management.
- (iv) The workman was never given any Medical report or opinion of the Chief Medical Officer of the management in respect of his unfitness to continue as Driver as alleged in the management's letter dt. 9-7-1996 issued to the workman.
- (v) The workman was forced to accept the post of Helper/Khalasi (Mech.) in the reduced/lower pay scale as per the management's letter dt. 9-7-1996.
- (vi) The workman has been given discriminatory treatment by the management in that the pay-scale of the workman was not protected even assuming but not admitting that the workman was not fit to continue on the post of Driver.
- (vii) The workman was not given any opportunity to challenge the opinion, if any, of the Chief Medical Officer of the management.
- (viii) The provisions of Section 9-A of the Industrial Disputes Act, 1947 were not at all followed while changing the service condition of the workman by reducing his pay scale.
- (ix) The management's action is arbitrary and against all the canons of principles of natural justice.

4. The contention of the Management is that the allegations and the ground of challenge are not tenable. In fact, the workman was declared unfit for the post of Driver and hence, with a view to accommodate him in a lower pay scale for which he was declared fit in the medical examination, he was asked to submit unconditional acceptance and the same was voluntarily submitted by the workman. It is false to allege that acceptance was tendered by the workman under force or threat.

5. The workman filed the affidavit of Shri. J.P. Sawant Vice-President of the Union in lieu of his examination in chief. He has reiterated the ground as alleged in the statement of claim, referred to above. He has been cross-examined by the learned counsel for the management. The

workman has not appeared in person to state anything on oath before the Court. The Vice-President cannot be said to have personal knowledge of the facts and circumstances under which the workman admittedly submitted his acceptance for the post of lower grade.

6. The Management filed the affidavit of Shri. P. Nalinakshan, Regional Personnel Officer, for the Management in lieu of his examination in chief. He has been cross examined by the learned counsel for the workman who is the Vice President of the Union.

7. The workman has filed sixteen documents *vide* list dt. 12-11-2003. They are being marked as Ex. W-1 to W-16 respectively. The Management has filed the documents along with the written statement. They are marked as A to G.

8. I have heard the learned counsel for the parties and gone through the record and also written submissions made by the Union.

9. Admittedly, the workman was working as Driver in the pay scale of Rs. 950-1500 and he was placed in the lower scale after submitting his unconditional acceptance dt. 11-7-1996. The workman is allegedly not supplied the copy of the medical certificate. It is also alleged that he was not declared unfit for the post of Driver but for the post of Gangman. It is also alleged that the Management obtained the acceptance from the workman under force and threat. Even after placement in the lower pay scale, 'the workman is alleged to have been working as Driver but he has not been paid the pay scale of Driver. It is also alleged that the compliance of the provisions of Section 9-A of the Industrial Dispute Act had not been complied with by the Management before the reduction of pay scale and hence, the action of the Management is illegal.

10. There is no dispute about the fact that the workman was not supplied with the copy of the medical certificate before his placement to a lower pay scale. The medical certificate has been filed for the first time before this Tribunal along with the written statement on 7-1-2004 as Ex-G. This is a photo copy which is a bit dim. The matter written by the Doctor in his own hand-writing in it is not legible. In fact, the workman alone was not medically examined by the Chief Medical Officer but he was examined along with a long list of workmen consisting of 49 in total under the Office Order No. 07 of 1995 (Ex-C) by the Chief Medical Officer who submitted his report *vide* Ex-D. This report of the Chief Medical Officer goes to show that name of the workman in question is mentioned at Sr. No. 35 and he has been shown as unfit for category A 3 and B 1 but fit for C 1 and below. The management has led the evidence to show that the category of Driver is B 1 to repel the contention of the workman that he has not been declared unfit for the post of Driver but for the post of Gangmari which is category A 3. The medical certificate Ex-G does not mention the word Driver for unfitness but it makes no

difference in view of the consolidated report of medical examination of 38 workmen by the C.M.O. (Ex-D). The workman has not challenged that he was not medically examined by the C.M.O. The report proves it to the hilt that the workman has been declared unfit for the post of Driver. The workman was admittedly asked to furnish unconditional acceptance for the post of lower pay scale for which he was declared fit by the C.M.O. and the workman appears to have submitted it happily without any objection. If the workman was aggrieved by any conduct of the Management, then he should have raised the objection then and there. It appears that he knew the facts at the core of his heart and hence happily accepted the post of lower pay scale rather than facing the exit from service. The objection has been raised by the Union on behalf of the workman for the first time in the year 2001 which was replied by the Management *vide* letter dt. 18-7-2001. Thereafter, the Industrial Dispute was raised by the Union. The silence on the part of the workman for a period of about 5 years is there and it goes to show that the workman was not aggrieved in any manner. It is alleged that the workman was working as Driver even during the period when he was placed in the lower pay scale of Helper and was paid accordingly for which the copies of the Movement register have been filed on record to show that he worked for about eight days or so during this entire period. It implies that he was used as Driver according to the exigency of work as Driver but it does not mean that any right has been accrued to the workman and he cannot be declared unfit for the post of Driver. The use of workman as Driver is a mistake on the part of the Management and even risky for the life of the persons sitting in the vehicle when the workman has been shown as unfit to work as Driver by the C.M.O. There appears to be no reason for the Management to concoct the facts and obtain the acceptance of lower post under threat or coercion, or for any *mala fide*. Nothing is alleged by the workman in this regard. The facts are clear. It is a case in which the workman himself voluntarily accepted the lower post and he has no right to allege that the action of the management is arbitrary or illegal. Had there been no acceptance in writing by the workman for the post of lower pay scale, the situation would have been otherwise and in that case, it could have been argued that the Management has arbitrarily and illegally placed the workman in a lower pay scale without any rhyme and reason.

11. The learned counsel for the workman relied upon the case law reported in 2002 LAB IC 852 (Bombay High Court) S. N. Kedare Vs. M/s. Ceat Tyres of India Ltd. The ratio laid down in this case does not help the workman at all and rather goes against him. In this case the employee had suffered injury from accident in course of employment and hence, he requested for a lighter job. The employee was accordingly placed in with a lower basic wage to which

the employee did not consent and protested immediately. In that case, it was observed that the provisions of Section 9-A of the Industrial Dispute Act should have been complied with and the option with the employer was either to provide alternate post with same pay or grant alternate post with consent of the workman to receive reduced emoluments attracted thereto. In the case in hand, the Management asked for consent of the workman for acceptance of a lower post with lower pay scale to which he submitted in writing, thereby accepting the lower post with lower pay scale. There is nothing for which the action of the Management may be said to be unjustifiable.

12. The learned counsel for the Management also raised the plea that the Union has no *locus standi* to espouse the claim of the workman. The Union has not filed on record the constitution of Union nor it has filed any document to show that the workman was its member at the relevant time nor it has been shown that the Union had a authority to espouse the claim of the workman. The reliance is placed upon the law reported in 2006 (3) CLR 372 Maharashtra Engineering Plastic and General Kamgar Union vs. Chamundi Petroleum and Two Ors. This plea is not apparently acceptable for the reasons that it is a case in which the reference has been made by the Central Government under the direction of the Honourable High Court of Bombay in the Writ Petition No. 4962 of 2003 filed by Nhava Sheva Port Trust and General Workers Union for the workman. In fact, the authority of the Union has not been challenged by the Management either before the Conciliation Officer for the conciliation of the matter when the Industrial Dispute was raised nor before the Honourable High Court at the time of the writ petition. In this case, upon the receipt of the failure report from the Conciliation Officer, the Government had refused to make reference *vide* Order dt. 22-5-2003 (Ex-W-14). This order of the Government was challenged in the aforesaid Writ petition No. 4962 of 2003 in which the Honourable High Court has directed the Government to refer the dispute under Section 10 of the Industrial Disputes Act. This led to the instant reference. Hence, I conclude that the Union has a right to espouse the claim of the workman.

13. In view of what has been discussed above, I conclude that the action of the Management of Konkan Railway Corporation Ltd. in reducing the pay scale from Rs. 950- 1500 to Rs. 750-940 w.e.f. 1- 7-96 is legal and justified. The workman is not entitled to any relief.

14. An Award is made accordingly.

JUSTICE GHANSHYAM DASS, Presiding Officer

नई दिल्ली, 19 जनवरी, 2007

का.आ. 442.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय जीवन बीमा निगम के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 87/03) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-1-2007 को प्राप्त हुआ था।

[सं. एल-17012/12/2003-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 19th January, 2007

S.O. 442.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 87/03) of the Central Government Industrial Tribunal/Labour Court, Hyderabad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Life Insurance Corporation of India and their workmen, which was received by the Central Government on 18-1-2007.

[No. L-17012/12/2003-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-LABOUR-COURT AT HYDERABAD
PRESENT**

Shri T. Ramchandra Reddy, Presiding Officer

Dated the 22nd day of December, 2006

Industrial Dispute No. 87/2003

BETWEEN

The General Secretary,
Insurance Corporation Employees Union,
C/o L.I.C. India, Divisional office,

1-8-179, Lakpath Bldgs., S.D. Road,
Secunderabad - 500 003

... Petitioner

AND

The Sr. Divisional Manager,
Life Insurance Corporation of India,
Divisional office,
1-8-179, Lakpath Bldgs., S.D. Road,
Secunderabad - 500003.

... Respondent

APPEARANCES:

For the Petitioner : Sri N.P. Babu, Union Representative

For the Respondent : M/s. P. Nageswara Sree,
K. Raghu Ram Reddy,
Ch. Venkata Raju & T. Vijaya
Rao, Advocates

AWARD

This is a reference made by the Government of India, Ministry of Labour by its order No.L-17012/12/2003-IR(B.I) dated 31-10-2003 in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 with the following schedule :

SCHEDULE

"Whether the action of the management of Life Insurance Corporation of India, Hyderabad in not providing an opportunity to Sri D. Ramulu, working at Miryalguda Branch to appear for direct interview for promotion to the post of HGA(Admn) in the year 1999, is justified or not? If not, what relief the workman is entitled to?"

2. The workman D. Ramulu filed his claim statement alleging that when he was working at Miryalguda Branch of Life Insurance Corporation of India, he applied for promotion to the cadre of HGA(Admn) in response to the notification issued on 30th October, 1999 by the Senior Divisional Manager (Promoting Authority), Life Insurance Corporation of India, Hyderabad. He completed 10 years of service including the period of training as on 1-10-1999 and eligible to attend the interview without any test. Further, he belongs to ST category but he was not called for interview inspite of his eligibility and that he was denied promotion for one year. He could get his promotion only in the next round of selection. Since he lost the benefit of promotion for one year with the consequential loss of increment and seniority, he made appeals but it was not considered. He sought relief to rectify the mistake and provide the benefit of promotion w.e.f. the promotional year 1999 with consequential benefits.

3. Respondent filed the counter and denied the averments made in the petition and contended that the Respondent Life Insurance Corporation of India is a statutory body incorporated as per the provisions of Life Insurance Corporation of India Act, 1956. Sec.48 of Life Insurance Corporation of India Act empowers to make rules, accordingly, Corporation framed regulations governing the service conditions of the employees known as Life Insurance Corporation of India (Staff) Regulation, 1960. Further Life Insurance Corporation of India Amendment Act, 1981 clause (cc) was added to sub-section 2 of Sec.48 w.e.f. 3-1-1981, the clause (cc) "the terms and conditions of service of the employees and agents of the Corporation, including those who became employees and agents of the Corporation on the appointed day under this Act."

4. It is further submitted that by the said Amendment Act, the Central Government can make rules in respect of terms and conditions of the service of the employees and agents of the Corporation. In view of the introduction of clause (cc) in Section 48(2) of Life Insurance Corporation of India Act it shall be deemed that regulation 14 which has been originally framed under Sec.49 of Life Insurance Corporation of India Act will be a rule framed in clause (cc)

of sub-section 2 and shall have overriding effect because of sub section (2c) over the provisions of the Industrial Disputes Act, 1947 in respect of terms and conditions of an employee of the corporation, which is covered by the definition of workman under the Industrial Disputes Act, 1947. He further submitted that the claimant workman was considered in the next round of promotion in the year 2000 on his application and he was exempted from written test and he was promoted to the cadre of HGA vide orders dated 10-4-2001. It is further submitted that the period of training was not taken into consideration for promotion in the promotion round 1999 by inadvertence and it was not intentional. It is further submitted that mere calling for interview does not confer any right on any candidate for promotion and the selection for promotion depends on seniority, merit, performance in the interview etc., and the claimant workman who was not called for interview cannot claim that he could have been selected if he was called for interview. The claimant workman did not attend for written test when an opportunity was provided in the year 1999 and he could not brought to the Management about his eligibility and inadvertent interpretation of the provisions for promotion. It is further submitted that there is no provision for grant of promotion with retrospective effect under Life Insurance Corporation of India Promotion Rules, 1987. It is further submitted that the provisions of Industrial Disputes Act, 1947 are not applicable and hence, the petition is not maintainable as this Tribunal has no jurisdiction to entertain and adjudicate the dispute.

5. The Petitioner workman filed his affidavit in support of his case and got marked Xerox copies of the documents Ex. W1 to W12. Ex. W1 is the copy of notification dated 30-10-1999. EX. W2 is the copy of representation of D. Ramulu dated 25-9-2000. Ex. W3 is the copy of representation of D. Ramulu dated 2-6-2001. Ex. W4 is the copy of representation of D. Ramulu dated 24-8-2001. Ex. W5 is the copy of representation of D. Ramulu dated 18-2-2002. Ex. W6 is the copy of notification reg. conditions of eligibility for promotion to various cadres. Ex. W7 is the copy of circular No. ZD/789/ASP/93 dated 7-5-1993. Ex. W8 is the copy of notification of Government of India reg. Life Insurance Corporation of India Class III & IV employees promotion amendment rules, 1993 dated 4-5-1993. Ex. W9 is the copy of failure report of conciliation. Ex. W10 is the Copy of representation of D. Ramulu to ALC(C) dated 24-2-2003. Ex. W11 is the copy of representation of the union to ALC(C)-I, Hyderabad. Ex. W12 is the copy of authorization letter to represent on behalf of the effected person Mr. D. Ramulu. As against this evidence the Respondent filed Ex. M1 to M7 xerox copies of the documents. Ex. M1 is the interview call letter dated 10-2-2000. Ex. M2 is the selected list dated 16-3-2000. Ex. M3 is the notification dated 14-8-2000 for departmental aptitude test for promotion. Ex. M4 is the office order dated 9-3-2001 list of candidates appeared for interview for promotion. Ex. M5 is the list of selected candidates dated 10-4-2001. Ex. M6 is the consent letter for promotion and posting. Ex. M7 is the joining report.

6. The Petitioner contended that he applied for promotion to the cadre of HGA(Admn.) in response to the notification dated 30th October, 1999 and that is eligible for appearing before the interview as his training period undergone shall be reckoned as a part of service and that he has completed 10 years of service by 1st October, 1999. But the Respondent Management did not consider his application and that he lost an opportunity to get the promotion. As such he is entitled to be promoted w.e.f. the promotional year 1999.

7. On the other hand it is contended by the Learned Counsel for the Respondent that the period of training of the Petitioner was not taken into consideration for calling for interview for promotion by inadvertence and that it was not intentional and further contended that the Petitioner was promoted subsequently by the order dated 10-2-2000 as per the rules. And further contended that the Petitioner cannot claim that even of calling for interview he could have been promoted and the promotion is not a right and depends on seniority, merit and performance in the interview and further contended that there is no provision to grant permission with retrospective effect under Life Insurance Corporation of India Promotion Rules, 1987. It is further contended that Life Insurance Corporation of India is a statutory body incorporated under Life Insurance Corporation of India Act, 1956 under Sec.48 of Life Insurance Corporation of India Act, the Respondent Corporation framed regulations governing service conditions of the employees and further contended that in view of the clause (cc) to Sec.48(2) and sub-section 2A in sub-section 48 of Life Insurance Corporation of India act, the regulations shall have overriding effect over the provisions of Industrial Disputes Act, 1947 so far as the concerned conditions of the employment. As such this tribunal has no jurisdiction to entertain the case and pass an award and relied on 1994(2) SCC page 323, M. Venugopal Vs. Divisional Manager, Life Insurance Corporation of India, Machilipatnam, Andhra Pradesh and others and Writ Petition No.20956 of 2002, Life Insurance Corporation of India Vs. (1) CGIT cum Labour Court, Hyderabad and (2) General Secretary, Insurance Corporation Employees Congress.

8. In view of the pleas taken by the Respondent two issues arise firstly the Petitioner is entitled to be called for interview and in the even of selection where he is entitled to get seniority from the date of notification issued in the year 1999 with consequential benefits. Second issue is whether this court has no jurisdiction to entertain the petition and to pass an Award under Industrial Disputes Act, 1947.

9. The eligibility of the Petitioner that he completed 10 years of service and eligible to attend interview in response to the notification dated 30-10-1999 is not disputed. The Respondent has taken the plea that the claim of the Petitioner is not considered due to inadvertence and that there is no provision in the promotion rules to rectify the mistake.

10. It should be noted that mere calling for the interview does not confer on the candidate to get promotion and the selection depends upon the seniority, merit and performance in the interview. The petitioner who was called for interview cannot claim promotion for the year 1999 on the ground that there is no guarantee of his promotion. The fact remains, that the Petitioner was given an opportunity to appear for the interview by the Respondent. It is the duty of the Management to scrutinize the applications and send the call letters for interview. Admittedly the Management has done a mistake in scrutinizing the application of the Petitioner and not calling the Petitioner for interview. Therefore, Petitioner is entitled to get an opportunity to call for the interview by the selection committee and in the event of selection his seniority has to be reckoned from 1999 as per the promotion rules. The relief claimed by the Petitioner that he is entitled for promotion in 1999 cannot be granted in view of the fact that he will be selected in the year 1999, as the promotion depends upon the seniority, merit and performance in the interview etc.. Therefore, I hold the issue that the Petitioner is entitled to get an opportunity to call for the interview by the selection committee under the promotion rules and in the event of selection he will be entitled for promotion from 1999 with consequential benefits. However, this issue is subject to the issue of jurisdiction of this Tribunal.

11. The next and important question is whether this court has got jurisdiction to entertain the petition. It is not in dispute that the Respondent Corporation framed regulations governing the service conditions of the employees known as Life Insurance Corporation of India (Staff) Regulations, 1960 and the rules shall have overriding effect over the provisions contained in Industrial Disputes Act, 1947 so far as the terms and conditions of the employees is concerned. The apex Court has held in 1999(2) SCC page 323 at para 10 as follows: "10. There is yet another aspect of the matter. The Corporation Act vests power in the Central Government to make rules in order to carry out the purposes of the Act." By Life Insurance Corporation (Amendment) Act, 1981 (Act 1 of 1981), clause (cc) was added to sub-section (2) of Section 48 with effect from January 31, 1981. Clause (cc) provides —

"(cc) the terms and conditions of service of the employees and agents of the Corporation, including those who became employees and agents of the Corporation on the appointed day under this Act;"

With introduction of clause (cc), the Central Government can by notification in Official Gazettee, make rules in respect of the terms and conditions of the service of the employees and agents of the Corporation. By the aforesaid Amending Act, three new sub-sections were also introduced, which are relevant for the present case:

"(2-A) The regulations and other provisions as in force immediately before the commencement of the Life Insurance Corporation (Amendment) Act, 1981, with respect to the terms and conditions of service of employees and agents of the Corporation including those who became employees

and agents of the corporation on the appointed day under this Act, shall be deemed to be rules made under clause (cc) of sub-section (2) and shall, subject to the other provisions of this section, have effect accordingly. (2-B) The power to make rules conferred by clause (cc) of sub-section (2) shall include—

- (i) The power to give retrospective effect to such rules; and
- (ii) The power to amend by way of addition, variation or repeal, the regulations and other provisions referred to in sub-section (2-A), with retrospective effect, from a date not earlier than the twentieth day of June, 1979.

(2-C) The provisions of clause (cc) of sub-section (2) and sub-section (2-B) and any rules made under the said clause (cc) shall have effect, and any such rule made with retrospective effect from any date shall also be deemed to have had effect from the date, notwithstanding any judgement, decree or order of any court, tribunal or other authority and notwithstanding anything contained in the Industrial Disputes Act, 1947 (14 of 1947) or any other law or any agreement, settlement, award or other instrument for the time being in force."

"Sub-section (2-A) provided that regulations and other provisions in force immediately before the commencement of the aforesaid Amending Act with respect to the terms and conditions of service of employees and agents of the Corporation shall be deemed to be rules made under clause (cc) of sub section (2) of Section 48. Sub-section (2-B) empowered the Central Government to make rules under power conferred by clause (cc) of sub-section (2) which power includes to give retrospective effect to such rules. It also authorized the central Government to add, vary or repeal the regulations already framed and in existence. Sub-section (2-C) contains a non obstante clause saying that notwithstanding anything contained in the Industrial Disputes Act, 1947 or any other law or any agreement, settlement, award or other instrument for the time being in force, the provisions of clause (cc) of sub-section (2) aforesaid and any rules made under the said clause (cc) shall have effect. In view of the introduction of clause (cc) in Section 48(2) and sub-section (2-A) in Section 48 of the Corporation Act, it shall be deemed that Regulation 14 aforesaid, which had been originally framed under Section 49 of the Corporation Act, will be a rule framed under clause (cc) of sub-section (2) and shall have overriding effect because of sub-section (2-C) over the provisions of the Industrial Disputes Act in respect of terms and conditions of an employee of the Corporation, who is covered by the definition of "workman" under the Industrial Disputes Act. It may be pointed out that by the same Amending Act clause (bb) of sub-section (2) of Section 49 which authorized the Corporation with the previous approval of the Central Government to make regulations in respect of the terms and conditions of the services of the employees and agents of the Corporation was deleted. By a statutory fiction, the regulations relating to the terms and conditions of the

employees and agents of the Corporation framed under Section 49(2)(bb) shall be deemed to be now the rules framed under Section 48 (2) (cc) of the Corporation Act, and such rules shall have overriding effect over the provisions contained in the Industrial Disputes Act, so far as the terms and conditions of the employment of such employees who also conform to the requirement of the definition of "workman" under the Industrial Disputes Act, are concerned."

12. Basing on the said ruling the Hon'ble High Court of A.P. held in Writ Petition No.20956 of 2002 observing that Sec.48 of Corporation Act had clearly excluded the provisions of Industrial Disputes Act, 1947 so far as they are in conflict with the rules framed under Sec.48(2) (cc) and observed as follows in para, "4. Learned Counsel for Petitioner submitted that the matter is squarely covered by the Judgement of the Apex Court in M.Venugopal Vs. Divisional Manager. It is held by the Apex Court that the amendment introduced in Section 48 of the Corporation Act have clearly excluded the provisions of the Industrial Disputes Act so far as they are in conflict with the Rules framed under Sec.48(2) (cc). The result whereof will be that termination of the service of the Petitioner shall not be deemed to be a retrenchment within the meaning of Sec.2 (00) and when once Sec.2(00) is not attracted there is no question of application of Sec.25-F on the basis of which the termination of the services of the Petitioner can be held to be invalid. It is further held that in view of the introduction of clause (cc) in Sec.48(2) and sub-Sec.(2-A) in Sec.48 of the Corporation Act, by the Life Insurance Corporation (Amendment) Act, 1981, it shall be deemed that Regulation 14, which had been originally framed under Sec. 49 of the Corporation Act, will be a rule framed under Clause (cc) of sub-Sec. (2) and shall have overriding effect because of sub-Sec.(2-C) over the provisions of the Industrial Disputes Act, in respect of terms and conditions of an employee of the Corporation, who is covered by the definition of workman under the Industrial Disputes Act."

12. In view of amendment and the decisions of Hon'ble High Court of A.P., and Apex Court this Tribunal has no jurisdiction to entertain the petition, since the Petitioner is governed by the rules and regulations and other provisions in force immediately before the commencement of Amendment Act with respect to the terms and conditions of the service of the employees of the corporation. Therefore, it has to be held that this tribunal has no jurisdiction to pass an Award in this matter. In the result, the petition is dismissed.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her and corrected by me on this the 22nd day of December, 2006.

T. RAMACHANDRA REDDY, Presiding Officer

Appendix of evidence

| | |
|---|---|
| Witnesses examined for the Petitioner: | Witnesses examined for the Respondent: |
| WW1. Sri N.P. Babu | MW1. Sri M.V. Ramana Murthy |

Documents marked for the Petitioner

Ex.W1: Copy of notification dt. 30-10-1999
Ex.W2: Copy of representation of D. Ramulu dt. 25-9-2000
Ex.W3: Copy of representation of D. Ramulu dt. 2-6-2001
Ex.W4: Copy of representation of D. Ramulu dt. 24-8-2001
Ex.W5: Copy of representation of D. Ramulu dt. 18-2-2002
Ex.W6: Copy of notification reg. conditions of eligibility for promotion to various cadres
Ex.W7: Copy of circular No.ZD/789/ASP/93 dt. 7-5-1993
Ex.W8: Copy of notification of Government of India reg. Life Insurance Corporation of India Class III & IV employees promotion amendment rules, 1993 dt. 4-5-1993
Ex.W9: Copy of failure report of conciliation
Ex.W10: Copy of representation of D. Ramulu to ALC (C) dt. 24-2-2003
Ex.W11: Copy of representation of the union to ALC (C)-I, Hyderabad
Ex.W12: Copy of authorization letter to represent on behalf of the effected person Mr. D. Ramulu

Documents marked for the Respondent

EX.M1: Copy of the interview call letter dated 10-2-2000
EX.M2: Copy of the selected list dated 16-3-2000
EX.M3: Copy of the notification dated 14-8-2000 for departmental aptitude test for promotion
EX.M4: Copy of the office order dated 9-3-2001 list of candidates appeared for interview for promotion
EX.M5: Copy of the list of selected candidates dated 10-4-2001
EX.M6: Copy of the consent letter for promotion and posting
EX.M7: Copy of the joining report.

नई दिल्ली, 19 जनवरी, 2007

का.आ. 443.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार लार्ड कृष्णा बैंक लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के

बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण इरनाकुलम के पंचाट (संदर्भ संख्या 164/06) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-1-2007 को प्राप्त हुआ था।

[सं. एल-12012/134/92-आई आर (बी.-I)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 19th January, 2007

S.O. 443.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 164/06) of the Central Government Industrial Tribunal/Labour Court, Ernakulam now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Lord Krishna Bank Ltd. and their workmen, which was received by the Central Government on 18-1-2007.

[No. L-12012/134/92-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

PRESENT

Shri P. L. Norbert, B.A., LL.B., Presiding Officer

(Friday the 12th day of January, 2007/22nd Pausa, 1928)

I. D. 164 of 2006

(I. D. 3/95 of Industrial Tribunal, Kollam)

Workman : Shri Ramananda Kamat
Kootungal House, 23, SMC
East of Thirumalanada
Chertala -688 524
Alleppey District

Adv. C. Anil Kumar

Management : The Chairman
Lord Krishna Bank Ltd.
Central Office
Kodungalloor -680 664.
Thrissur District

Adv. Rony J. Pallath.

AWARD

This is a reference made by Central Government under Section 10(1)(d) of Industrial Disputes Act, 1947 for adjudication. The reference is:—

“Whether the action on the part of the management of Lord Krishna Bank in dismissing the services of Shri R. Ramananda Kamath, Clerk, w.e.f. 15-6-1991 is legal and justified? If not, to what relief the workman is entitled to?”

2. The facts of the case in brief are as follows:

The workman, Shri Ramananda Kamat was a Clerk in Padanilam Branch of Lord Krishna Bank. On certain

allegations of misconduct he was suspended from service w.e.f. 1-4-1989. It was followed by a domestic enquiry and ultimately he was dismissed from service. The workman contends that the enquiry was not conducted in a fair and proper manner. The enquiry officer adopted a partisan attitude from the very beginning. His requests for adjournments on medical grounds were rejected. A criminal case was pending on the same subject matter. The request of workman to keep in abeyance the enquiry until the criminal case was over was not acceptable to the enquiry officer. The workman was not given notice of the posting of enquiry on 20-2-1991, on which day the evidence on management side was taken *ex parte*. The workman was not heard by the disciplinary authority. The punishment is disproportionate. The workman was not paid subsistence allowance which prevented him from attending the enquiry. According to the management sufficient opportunity was given to the workman in the enquiry. There is no prohibition in proceeding with domestic enquiry when a criminal case is pending regarding the subjectmatter. The dispute regarding subsistence allowance was pending before the competent authority initially and thereafter before Hon'ble High Court in O.P. Several adjournments were given at the request of the workman. For some time the enquiry could not be proceeded due to injunction order from Munsiff's Court, Mavelikkara. The workman as well as his representative in the enquiry was given notice of enquiry on 20-2-1991. However they remained absent deliberately. A copy of enquiry report was given and an opportunity was also provided for hearing the workman before imposing punishment. However he did not utilize the opportunity. The misconduct is serious in nature and punishment of dismissal is warranted.

3. Since a preliminary objection was raised regarding validity of enquiry it was heard and a preliminary order was passed on 28-12-2006 finding that the enquiry is valid. What remains to be considered is whether on the basis of the materials on record the finding of the enquiry officer can be sustained and whether the punishment is proportionate.

4. Hence the points for considerations are :

- (1) Whether the finding is sustainable?
 - (2) Is the punishment proportionate to the guilt?
- The evidence consistence of oral testimony of MW1 (Enquiry Officer) and documentary evidence of Ext. M1 (enquiry report), Ext. M2 series (charge memo and connected papers) and Ext. M3 (enquiry proceedings) on the side of management.

5. The charges against the workman are (vide charge memo, Ext. M3, page 7):

- (1) Fourteen cheques recovered from the counter drawer of the branch, the details of which are shown in Annex. 1 to this memo, which were not passed for payment by the manager, bear the endorsements made by you for having effected payments thereon without entering

the amounts of those cheques in the cash scroll maintained by you.

- (2) On 27th March, 1989, ten packets and on 28th March, 1989 one packet containing Jewel Securities pledged by various parties, the details of which are shown in Annex. 2 to this memo, were found missing from the branch and you, as Custodian of the securities jointly with the Manager, appears to have colluded for misappropriation of those properties.
- (3) You have made a payment of Rs. 50,000 in cash on 29-2-1988 against a bearer Cash Cheque No. 0546366 of the same date purported to be issued by one Smt. V. Ponnamma without obtaining the Branch manager's sanction for payment.

6. An explanation was submitted by the workman. Not satisfied with the explanation an enquiry was ordered by the disciplinary authority (page 23 of Ext. M3). Before the enquiry officer MW1, Shri S.K. Haridasan, the additional chief inspector of the bank, who conducted inspection of Padanilam Branch on 27-3-1989 and found certain misappropriation of money and gold ornaments, was examined. He has given evidence that 14 cheques found from the drawer of the counter had not been passed for payment by the branch manager and it contains the endorsement made by the workman for having effected payment of the cheque amount without entering the amounts in the cash scroll maintained by the workman. The cheques are Exts. M7 A to N (in Ext. M2 (d), page 2). He also stated before enquiry officer that a cash cheque for Rs. 50,000 issued by one Smt. V. Ponnamma (Ext. M10 in M3) was honoured and amount paid by the workman without obtaining endorsement of Branch Manager passing it for payment. The rough cash book of Cashier (Ext. M13 in M3) reveals payment of cheque amount by workman. The cheque did not contain drawer's signature. He also found that 11 packets of gold jewellery pledged with the bank were missing and the workman was the joint custodian of the jewellery and he in collusion with someone has misappropriated the gold ornaments. Exts. M8A to K (in Ex. M3) are the gold loan pledge forms in respect of 11 items of gold ornaments pledged with the bank. Exts. M3 and M4 (page 155 to 161 in court Ext. M3) are the mahazars prepared by MW1 regarding the missing gold ornaments. A police complaint was also lodged with Noornad Police Station.

7. This evidence of MW1 as well as documentary evidence referred above stand unchallenged. The workman and his representative, a lawyer, remained absent on 20-2-1991. The enquiry officer was constrained to proceed with the enquiry *ex parte* as several adjournments were already availed by the workman and there was no representation at last. Hence evidence on management side was adduced. Naturally, witness was not cross-examined and none of the documents were questioned by the workman. I have found in the preliminary order that several

requests by the workman for adjournment of enquiry were granted by the enquiry officer and ultimately on 20-2-1991 the enquiry was proceeded with in the absence of the workman and his representative. I had also found that fair opportunity was given to the workman, but he deliberately remained absent on 20-2-1991. In the light of the unchallenged evidence on management side it has to be found that the finding of enquiry officer, that the workman is guilty of all the charges, is unassailable.

8. Point No. (2) :

The charges referred supra are grave in nature, i.e. misappropriation of gold ornaments (11 items) and encashment of 15 cheques without sanction of the branch manager and without properly accounting in the bank records. Considering the seriousness of the charges the disciplinary authority cannot be found fault for imposing a punishment of dismissal. It is needless to say that the nature of the guilt warranted deterrent punishment. There is absolutely no reason for this court to interfere with the punishment. Under no stretch of imagination it can be said to be a disproportionate punishment. The court is bound to give cogent reasons if punishment is to be interfered and reduced. But the workman has not been able to point out any circumstance which can persuade this court to reduce the sentence. Perhaps the only aspect, which according to the workman is a mitigating circumstance, is that he was not paid subsistence allowance at the time of enquiry. I have already found in the preliminary order that the dispute regarding subsistence allowance was pending before the competent authority initially and thereafter before Hon'ble High Court and some payments were made as per the order of Hon'ble High Court. I have found that at any rate the non-payment of subsistence allowance had not in any way disabled him from attending the enquiry. No mitigating circumstances worth mentioning was canvassed before this court to impose a lesser punishment. In the circumstances I find that the penalty of dismissal was warranted in the nature of the guilt and no inference is called for.

9. In the result, an award is passed finding that the action of the management in dismissing the workman, Shri R. Ramananda Kamat from service is legal and justified. The workman is not entitled for any relief. No cost. The award will take effect one month after its publication in the Official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 12th day of January, 2007.

P. L. NORBERT, Presiding Officer

APPENDIX

| | |
|------------------------------|------|
| Witness for the Workman : | Nil. |
| Witness for the Management : | |
| MWI - Shri K.O. Jose | |
| Exhibit for the Workman : | Nil. |

Exhibits for the Management :

- M1-Domestic enquiry report dated 7-3-1991
 M2 series- Memo of charges and connected papers.
 M2 -Copy of charge memo dated 1-12-1989.
 M2(a)-Letter dated 16-1-1990 issued by workman to AGM (E), Lord Krishna Bank Ltd.
 M2(b)-Notice dated 16-5-1990 issued by Lord Krishna Bank Ltd. to workman.
 M2(c)-Memo dated 17-5-1990 issued by disciplinary authority to workman.
 M2(d)-Domestic enquiry proceedings.
 M2(e)-Memo dated 26-3-1991 issued by disciplinary authority to workman.
 M2(f)-Letter dated 20-4-1991 issued by workman to AGM (E), Lord Krishna Bank Ltd.
 M2(g)-Letter dated 3-5-1991 issued by AGM(E) to workman.
 M2(h)-Letter dated 28-5-1991 issued by AGM(E) to workman.
 M2(i)-Copy of final order of punishment dated 14-6-1991.
 M3 -Proceedings of enquiry (Pages 1 to 203).

नई दिल्ली, 19 जनवरी, 2007

का.आ. 444.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एर्नाकुलम के पंचाट (संदर्भ संख्या 159/06) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-1-2007 को प्राप्त हुआ था।

[सं. एल-12012/360/2000-आई आर (बी.-I)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 19th January, 2007

S.O. 444.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 159/06) of the Central Government Industrial Tribunal/Labour Court, Ernakulam now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 18-1-2007.

[No. L-12012/360/2000-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

**IN THE CENTRAL GOVERNMENT INDUSTRIAL
 TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM
 PRESENT**

Shri P. L. Norbert, B.A., L.L.B., Presiding Officer
 (Tuesday the 9th day of January, 2007/19th Pausa, 1928

I. D. 159/2006

(I. D. 15/2001 of Industrial Tribunal, Kollam)

Workman/Union : Roy Samuel G D' Cruz
 'Anitha' No.15, B Cross, TC KPM
 8/732, Bagath Singh Road,
 Pettah (P.O.)
 Thiruvananthapuram -695 024.

Adv. Shri D. Kishore

Management : The Deputy General Manager
 State Bank of India, Zonal Office
 LMS Compound, Palayam
 Thiruvananthapuram -695033.

Adv. Shri S. Williams

AWARD

This is a reference made by Central Government under Section 10 (1) (d) of Industrial Disputes Act, 1947 for adjudication. The reference is :—

“Whether the action of the management of State Bank of India in relation to their Thampanoor Branch, Trivandrum in discharging Shri Roy Samuel D' Cruz Clerk cum Cashier from his service *vide* order No. Dis/con.029 dated 25-5-2000 is justified? If not, what relief the workman concerned is entitled?”

2. This reference was pending before Industrial Tribunal, Kollam and was transferred to this court in May 2006. The Industrial Tribunal, Kollam had passed a preliminary order on validity of enquiry on 29-9-2003. It found that there was no violation of principles of natural justice, and full and fair opportunity was given to the workman to participate in the enquiry and adduce evidence. But it found that the best evidence that was possible on the side of management was not adduced, which had affected their case. The findings, without the best evidence on record, were held perverse. This order was challenged before Hon'ble High Court in W.P.10741/2004 and the High Court quashed the order of Industrial Tribunal, Kollam by judgment dated 11-6-2004. The Hon'ble High Court observed in paragraph 18 of the judgment that the Tribunal has a duty to examine the evidence on record and then accept or reject it for appropriate reasons. He is not expected to wait for the best evidence. An enquiry officer is entitled to come to a conclusion of his own. On the same materials a different conclusion is possible, is no reason to dub a finding of enquiry officer, as perverse. The entire evidence and materials on record in their totality are to be looked into while appreciating the evidence. If there are other materials in proof of management case the fact that a material witness was not examined cannot make the finding bad or perverse. Hence the Hon'ble High Court directed the Tribunal to decide the reference *de novo* on the basis of the evidence on record already. It is thereafter that the case was transferred to this court from Industrial Tribunal, Kollam.

The evidence that was adduced before Industrial Tribunal, Kollam consists of the oral testimony of WW1 and documentary evidence of Ext. WI on the side of workman and Exts. M1 & M2 on the side of management.

No further evidence was adduced after the decision in O.P. Thus, as per the order of the Hon'ble High Court, this court need only assess the evidence on record and draw a conclusion as to whether finding of the enquiry officer is sustainable and punishment is proportionate.

3. The pleadings of the parties in brief are as follows :

According to the workman he joined the service of State Bank of India on 7-6-1984 and he was working in various branches of the bank. In 1996 he was working in Thampanoor branch in Thiruvananthapuram. While so, on 15-9-1997 when he was working in the Despatch Section due to paucity of staff he was given charge of Teller. The husband of one Mary Dalarose, Shri Ancil had tendered Rs.5000 at the counter for crediting it in gold loan account of Mary Dalarose. Since there was heavy rush in the counter without noticing that the remittance was towards a gold loan account, the workman had received the amount along with pay in slip, stamped it and signed it. While counting the currency notes it was found that some of them were soiled. The customer was asked to replace the soiled currency notes and present the amount in the concerned counter. The management later alleging that the amount was received by the workman but was not credited in the loan account of the customer and had not entered the amount in the account books of the bank, suspended the workman. A domestic enquiry was conducted and the workman was found guilty. The finding is perverse. Important witnesses were not examined by the management. Before the commencement of enquiry the workman was not served with copies of documents. The evidence was not properly examined and assessed by the enquiry officer. The disciplinary authority, in the like manner, did not properly analyze the evidence and a harsh punishment of dismissal was imposed. The appellate authority converted the punishment into discharge. There is no sufficient evidence to enter a finding of guilt. At any rate, the punishment is disproportionate to the guilt.

4. The management on the other hand contends that the workman had misused his position as a bank employee and misappropriated an amount of Rs. 5000 remitted by the customer towards gold loan account. Subsequently the workman himself remitted the amount. The explanation given by the workman was not satisfactory. Hence a domestic enquiry was conducted. It is on the basis of the evidence that the enquiry officer has found the guilt of the workman. The charge was grave in nature. Considering the gravity of the misconduct the disciplinary authority ordered a punishment of dismissal. It was later converted into discharge by the appellate authority. It is a case of clear misappropriation of the amount of the customer. The amount was not entered in the records of the bank. At the same time, the counterfoil of the pay in slip contains the seal and signature of the workman. The gold loan card was also signed by the workman. A fair and sufficient opportunity was given to the workman in the enquiry. The rule of natural justice was complied by the enquiry officer. There is no reason to deviate from the finding of the enquiry officer or reduce the punishment.

5. In the light of the above contentions and in view of the observations of the Hon'ble High Court in the writ petition, the following points arise for consideration:

- (a) Is the finding of enquiry officer sustainable?
- (b) Is the punishment proportionate?

6. Point No. (1) :

It is an admitted fact that the workman was a Teller of Thampanoor Branch of the bank on 15-9-1997. On that day the regular Teller was on leave and the workman was put in charge of Teller Counter. His scheduled duty was in the Despatch Section. It is an admitted fact that cash of Rs.5000 was tendered by the husband of Smt. Mary Dalarose, Shri Ancil on 15-9-1997 to the Teller (the workman) for crediting it in the gold loan account of Smt. Mary Dalarose. According to the workman, after sealing and signing the pay-in slip and on counting currency he found a few soiled currency notes and on realizing that the payment had to be made in a different counter and not in Teller Counter he returned the money instructing Shri Ancil to replace soiled currency notes and present the money in the concerned counter. But, while doing so, by mistake he returned along with the money the pay in slip including counterfoil to the customer. However he had not actually accepted the money. According to the management, after having received the money the Teller purposely did not account it. He gave signed counterfoil and gold loan card back to the customer, but did not credit it in customer's gold loan account. He misappropriated the money without accounting it in bank's records. After 3 months when the customer came to the bank to close the account she noticed discrepancy in the account. Therefore she complained to the Manager. The workman was questioned and disciplinary action was initiated.

7. Before court the enquiry file, containing the enquiry proceedings, statements of witnesses and documents, was marked on consent as Ext. M1 series and enquiry report as Ext. M2 on management side and WWI was identified and Ext. WI was marked on workman's side.

8. As already mentioned, the question of legality and validity of enquiry is no more in issue in the light of the judgment of Hon'ble High Court in O. P. 10741/04.

9. Before the enquiry officer though five witnesses were cited, only three were examined and ranked as PWs 1,3 and 5 and Exts. E1 to E22 were marked on management side and DW1 and Exts.D1 to D8 were marked on workman's side.

10. Ext. D3 (in M1 series) is the report of investigating officer (Branch Manager) of Statue Branch to the Disciplinary Authority. In paragraph 5 of the report it is mentioned that there was heavy rush of customers in the bank on 15-9-1997, that there was also shortage of staff on that day and that out of 11 staff, 6 were on leave. However it is reported that it is no reason for not accounting the money in bank records and crediting it in the gold loan account of the customer. The workman had issued the counterfoil containing seal and signature of the workman to the customer. He had also made entries in the gold loan

card and returned it to the customer. There was no cash excess on that day and no such money was remitted in sundry deposit account of the bank. Thus the workman had received the money from the customer, but had not accounted it. Ext. D6 (in M1 series) is the explanation of the workman. He says that on 15-9-1997 there was heavy rush of customers and many staff were on leave. He had no time to scrupulously follow every transaction. He was not able to recollect what really had happened regarding the disputed transaction. However, he had deposited Rs. 5000 in sundry deposit account on 31-12-1997 as per oral instruction of bank manager. He pleads for pardon for any bona fide mistake. Ext. E2 (in M1 series) is the application of Smt. Mary Dalarose for gold loan. Ext. E3 is DPN and take delivery letter of Smt. Mary Dalarose. Ext. E4 is sanction order for gold loan. Ext. E5 is the gold loan card issued to Smt. Mary Dalarose. Remittance is recorded on the reverse side of the card. On 15-9-1997, Rs. 5000 is seen remitted to the account and initialled by concerned clerk. Since the initial is like a small tick it is not possible to compare it with any other admitted signature or initial. Ext. E6 is counterfoil of having remitted Rs. 5000 on 15-9-1997. It is initialed by the workman admittedly. Ext. 8 to 10 are different vouchers in respect of different remittances made by different customers. They contain the initials of the workman. They are produced to show that the initial in counterfoil, Ext. E6 is the same as in Ext. E8 to 10. Since the initial in E6 is admitted by the workman it is not essential to compare the initial in Ext. E6. Ext. E7 is voucher for having remitted Rs. 5000 by the workman in sundry deposit account on 31-12-1997 as required by the branch manager. Smt. Mary Dalarose had approached the bank on 20-12-1997 for paying the balance amount and closing the account. It was then that the discrepancy in the account was noticed. After 10 days, on 31-12-1997 the workman, as required by the branch manager, remitted Rs. 5000 from his pocket in the sundry account of the bank. The very conduct of the workman in remitting the amount is not free from doubt. Had he been sure that he had not taken the money there was no need for remitting the amount. Moreover, there was no promise from the side of management that disciplinary proceedings would be dropped in case the workman was prepared to remit the amount. The management has a case that it was not the duty of Teller to receive amounts towards loans in the Teller Counter (PW3 in Ext. M1 series). But PW5 (in Ext. M1 series), the Branch Manager of Thampanoor Branch has stated that normally Teller has no authority to receive remittances towards loans in his counter. However, when there is heavy rush of customers there is a practice of receiving such amounts in any counter (page 162 & 163 of PW5). Therefore there was nothing wrong if the workman had received remittance towards gold loan account. But that is not the real dispute. The question is whether the workman had really accepted the money without crediting it in the account of the customer.

11. PW1 (in Ext. M1 series) is the account holder, Smt. Mary Dalarose. She has supported the management case.

However she was not the person who had remitted money. It was done by her husband, Shri Ancil. Though he was cited by the management as a witness, in spite of several requests, he never turned up to give evidence. No doubt he is a material witness. But the management could not compel him or secure his presence by force. PW1 does say that the amount was remitted through her husband on 15-9-1997 and Ext. E6 is the counterfoil receipt. PW3, Smt. Umadevi was the Asstt. Manager of Thampanoor Branch at the relevant time. She has identified the initial of workman in Ext. E6 counterfoil. She has also identified his initials in Ext. E8 to 10 (page 101 & 102 of PW3). The witness was asked to compare the initials of Thresiamma P. Thomas, a staff and workman in the Attendance Register, Ext. D1 (relevant page) with the initial in Ext. E5 Gold Loan Card. But she is not able to say conclusively that the initial in Ext. E5 is that of the workman (page 119-120). In fact, it is not easy to identify the initial in Ext. E5 as it is not properly put by the signatory. But it is enough to say that Ext. E6 contains the initial of the workman and is admitted by the workman. Therefore, there cannot be any dispute that the money was tendered to the workman on 15-9-1997. According to PW 5, the then Branch Manager of Thampanoor Branch, Shri Zakir Mohammed, there was no excess cash on 15-9-1997 and no remittance in sundry deposit account was made on that day. However he says that Rs. 5000 was remitted by the customer and was received by the workman, but did not account it. As against this evidence on management side, DW1, Shri B. Ajit Kumar was examined on worker's side before enquiry officer. The relevant portion of his deposition is contained in pages 175 to 181. According to this witness, Shri Ancil, the husband of customer had on 15-9-1997 asked for a lift in his motorcycle to Thampanoor Branch of the bank. The witness was going near to Thampanoor branch for his personal purpose. He gave a lift and after his business he returned to the bank and looked for Shri Ancil. It is relevant to note that the witness does not know even the name of the pillion passenger, whom he claims to be known to him. The witness waited for the person some time outside the bank smoking a cigarette and some time inside the bank. Meanwhile he noticed the incident. Shri Ancil, who was in the queue, handed over currencies and pay-in-slip to the workman. After counting the currencies, the workman returned the money along with pay-in-slip to the customer asking him to present the money in proper counter after replacing soiled currencies. It is an unbelievable story. The witness who was waiting somewhere in the bank hall, had no chance to see details of the transaction in the counter like handing over pay-in-slip with money and returning money along with pay-in slip and the conversation between workman and the customer. That apart, as against the documentary evidence, the oral testimony of DW1 cannot stand. According to the management as per the procedure in the bank the money that is tendered is first counted by the clerk concerned and if it is found correct then only the pay in slip will be stamped and initialed by the clerk. If workman's case is believed then he has done

the reverse. Whatever that be, if by mistake money was received, but not accounted, there should have been an excess amount of Rs. 5000 at the end of banking hours. But that day there was no excess money. Therefore, according to the management, in all probability the money was misappropriated by the workman. Having given Ext. E6 counterfoil to the customer it is for the workman to explain in a convincing manner that he had not accepted the money. But he was not able to adduce convincing evidence to substantiate his contention. The conduct of the workman thereafter in remitting the amount throws more doubt on his version. Though the workman produced before this court Ext. W1-letter written to the branch manager stating that he was remitting Rs. 5,000 as instructed by the manager there was no promise from management that disciplinary proceedings would be dropped if amount was remitted. It was pointed out by the management on the strength of the decisions in *Narayanan v. BPL Systems Pvt. Ltd.* 1994 (1) K.L.T.548 and *Lalit Popit v. Canara Bank* 2003 AIR SEW 1238 that the nature of proof in disciplinary proceedings is different from criminal proceedings. In the former case proof beyond reasonable doubt is not required, but only preponderance of probabilities. Whereas in a criminal case proof beyond any shadow of doubt is necessary. So far as this case is concerned, not only the circumstances but the evidence as well point to the guilt of the workman. I am not able to find any infirmity in the findings of enquiry officer.

12. Point No. (2) :

The disciplinary authority imposed a punishment of dismissal. But it was modified by the appellate authority to discharge with superannuation benefits. According to the workman the punishment is harsh and disproportionate. He contends that the amount said to have been misappropriated is small but the punishment is so harsh. It is pointed out by the learned counsel for the management that it is not the quantum of money that is relevant, but the conduct of the staff of a bank. The trust and faith of the customer is very important for an institution and any attempt to jeopardize it cannot be tolerated by the institution. It is submitted by the learned counsel that punishment imposed by disciplinary authority in the normal course is not to be interfered by the court and if at all it is interfered cogent reasons are to be given by the court. He finds support for his argument in :

Regional Manager, UPSRTC v. Hoti Lal 2003 AIR SCW 801 (para 10), *Chairman and Managing Director, United Commercial Bank v. P.E. Kakkar* (2003) 4 SCC 364, *Canara Bank v. VK. Awasthy* (2005) 6 SCC 321 and Civil Appeal No.3528 of 2006 of Hon'ble Supreme Court.

13. The charge of misappropriation stands proved. It is a grave misconduct so far as a bank is concerned for which major punishment is provided in the Bipartite Settlement as well as *Sastri Award*. The first Bipartite Settlement dated 19-10-1966 is applicable in the instant case. Para 19.5 refers to gross misconduct and punishment is provided in para 19.6. The dismissal that was proposed

was modified to discharge with superannuation benefits by the appellate authority of the bank. The workman was not able to persuade me with convincing reasons in order to reduce the sentence. Hence I find that the punishment is proportionate and no interference is called for.

14. In the result, an award is passed finding that the action of the management in discharging the workman, Shri Roy Samuel D'cruz from service is legal and justified and he is not entitled to any relief. No cost. The award will take effect one month after its publication in the Official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 9th day of January, 2007.

P. L. NORBERT, Presiding Officer

APPENDIX

Witness for the Workman :

WW1-Roy Samuel D'cruz.

Witness for the Management :

Nil.

Exhibits for the Workman:

W1— Letter dated 31-12-1997 written by Roy Samuel D'cruz to the Branch Manager, SBI, Thampanoor Branch.

Exhibits for the Management :

M1 series - Enquiry file.

M2 - Enquiry report.

नई दिल्ली, 19 जनवरी, 2007

का.आ. 445.-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या 200/1996) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-1-2007 को प्राप्त हुआ था।

[सं. एल-22012/5/1996-आई आर (सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 19th January, 2007

S.O. 445.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 200/1996) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 19-01-2007.

[No. L-22012/5/1996-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR****No. CGIT/LC/R/200/96
Presiding Officer : Shri C.M. Singh**

The Secretary,
National Colliery Worker Federation,
Chirimiri, Post West Chirimiri Colliery,
Distt. Surguja (MP) Workman/Union

Versus

The Chief General Manager,
Chirimiri Area, SECL,
Distt. Surguja (MP) Management

AWARD

Passed on this 20th day of November, 2006

1. Government of India, Ministry of Labour vide its Notification No. L-22012/5/96/IR (C-II) dated 24-10-96 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the Chief General Manager, Chirimiri Area of SECL in not regularising Shri K.P. Singh, Asstt. Bradma Operator to the post of Bradma Operator, Gr. I w.e.f. 1989 is legal and justified? If not what relief the workmen is entitled to?”

2. After the reference order was received, it was duly registered on 6-11-96 and notices were issued to the parties to file their respective statements of claim. In spite of sufficient service of notice on the workmen/Union, by registered AD post, no one put in appearance for workmen/Union and therefore it was ordered on 23-11-05 that the case shall proceed ex parte against the workman/Union. Since then the management was given 4 opportunities to file Written Statement. But lastly on 17-11-06, Shri A.K. Shashi, Advocate the learned counsel for the management submitted that the management has not to file any Written Statement or statement of claim. Under the above circumstances, this tribunal was left with no option but to close the reference for award and consequently the reference was closed for award.

3. It is very clear from the above that the parties are not interested in the Industrial Dispute referred for adjudication to this tribunal and therefore it shall be just and proper to pass no dispute award in this case. Accordingly no dispute award is passed without any order as to costs.

4. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 19 जनवरी, 2007

का.आ. 446.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. ई. सी.

एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या 54/1995) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-1-2007 को प्राप्त हुआ था।

[सं. एल-22012/395/1994-आई आर (सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 19th January, 2007

S.O. 446.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 54/1995) of the Industrial Tribunal-cum-Labour Court, Jabalpur now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 19-01-2007.

[No. L-22012/395/1994-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR****No. CGIT/LC/R/54/95
Presiding Officer : Shri C.M. Singh**

The Area Secretary,
S.K. M.S. (AITUC)
Chirimiri Area,
Post West Chirimiri Colliery,
Distt. Surguja (MP) Workman/Union

Versus

The Sub Area Manager,
West Chirimiri colliery,
SECL,
Post West Chirimiri Colliery,
Distt. Surguja (MP) Management

AWARD

Passed on this 26th day of December, 2006

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/395/94/IR (C-II) dated 2-3-95 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the Dy. GM/Sub Area Manager, West Chirimiri Colliery in dismissing Shri Mithoo, S/o Dalsai, Tub loader, West Chirimiri Colliery w.e.f. 13-2-93 is legal and justified? If not to what relief the workman is entitled to?”

2. After the reference order was received, it was duly registered on 13-3-95 and notices were issued to the parties to file their respective statements of claim. In spite of sufficient service of notice on the workmen/Union, no one put in appearance on behalf of workman/Union. Therefore the case proceeded ex parte against the workman/Union. And in this manner, the workman/Union failed to file the statement of claim. The management filed their Written Statement.

3. The case of the management in brief is as follows. The workman was working as tub loader in West Chirimiri Colliery. He was habitual absentee since beginning. The workman was given ample opportunity to improve himself. However, he did not show any improvement in his conduct and performance. He remained absent from duty without intimation, permission and sanctioned leave w.e.f. 15-4-86 to 17-11-88. For this, he was issued a chargesheet No. 4002-10/88 dated 17-11-88 under clause 25 (4) and 25 (16) of the Standing orders applicable to him. The said charge was also published in daily newspaper. As no satisfactory reply received from the workman, the competent authority decided to conduct a departmental enquiry. Accordingly Shri A.B. Das Gupta, Sr. Under Manager was appointed as Enquiry Officer and Shri A.M. Sen Sr. Personnel Officer who was also acting as Welfare Officer was appointed as management Representative. Shri A.B. Das Gupta conducted the Departmental Enquiry and submitted his enquiry report to the competent authority. The entire enquiry papers were placed before the Competent Authority which revealed that inadvertently Shri A.M. Sen who was acting as Welfare Officer was appointed as Management Representative. Under the provisions of Mines Act, the Welfare Officer is not supposed to take part in disciplinary proceedings being initiated against the workman. Under the circumstances, the Competent Authority recalled the enquiry proceedings and directed the Enquiry Officer to conduct fresh enquiry. Shri T.K. Biswas, Under Manager was appointed as management representative in place of Shri A.M. Sen and Shri A. B. Das Gupta was directed to conduct fresh inquiry vide office order dated 15-1-92. The Enquiry Officer conducted the enquiry on various dates. The workman fully participated in the enquiry. He also availed the assistance of a co-worker. The workman was given full opportunity to defend the case by leading oral and documentary evidence. The said Enquiry proceedings bore the signature of Enquiry Officer, Management representative, workman concerned and his co-worker. The Enquiry Officer submitted enquiry report holding the workman guilty of the charges. The entire enquiry proceedings along with enquiry report were placed before the competent authority who satisfied that the enquiry has been conducted legally, properly and following the principles of natural justice. The competent Authority also agreed with the findings of enquiry officer that the charges levelled against the chargesheet employee stands proved. As the charges proved against the workman being gross misconduct, the competent authority vide order No. 416/93 dated 13-2-93 terminated the services of the workman. The workman did not inform about his alleged sickness to the management during the period he remained absent from duty. It was obligatory on his part to inform the management about his whereabouts. It was for him to apply for leave as per provisions of standing orders applicable to him. In the instant case, neither the workman intimated the management about his whereabouts neither he applied for leave for years together. This itself that the workman has no interest in his service. It is prayed that the tribunal be pleased to hold the action of management in terminating the services of the workman is legal, proper and appropriate to the gravity of misconduct committed by him.

4. As the case proceeded exparte, no evidence has been adduced on behalf of the workman/Union.

5. The Management filed affidavit of Shri A.K. Singh, the then Sub-Area Manager, West Chirimiri Colliery in order to prove their case.

6. I have heard Shri A. K. Shashi, Advocate for the management. I have very carefully gone through the evidence on record. There is no evidence on record for proving the case of the workman/Union as the case proceeded exparte against the workman/Union. The case of the management fully stands proved from the uncontroverted and unchallenged affidavit of management's witness Shri A. K. Singh, the then posted as Sub-Area Manager, West Chirimiri Colliery. In view of the above, the reference deserves to be decided in favour of the management and against the workman. Considering the facts and circumstances of the case, I am of the view that the parties should be directed to bear their own costs of this reference. The reference is therefore decided in favour of the management and against the workman holding that the action of the Dy. GM/Sub Area Manager, West Chirimiri Colliery in dismissing Shri Mithoo, S/O Dalsai, Tub loader, West Chirimiri Colliery w.e.f. 13-2-93 is legal & justified. Consequently the workman is not entitled to any relief. The parties shall bear their own costs of this reference.

7. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 19 जनवरी, 2007

का.आ. 447.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. ई. सी. एल. प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या 223/1992) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-1-2007 को प्राप्त हुआ था।

[सं. एल-22012/219/1992-आई आर (सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 19th January, 2007

S.O. 447.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 223/1992) of the Central Government Industrial Tribunal/Labour Court, Jabalpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of SECL and their workman, received by the Central Government on 19-01-2007.

[No. L-22012/219/1992-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR

No. CGIT/LC/R/223/92

Presiding Officer : Shri C. M. Singh

Shri Om Prakash Agarwal,
 Vill & PO Cheirpur,
 Hardi Bazar,
 Tehsil : Katogera,
 Distt. Bilaspur (C.G.)

Union/workman

Versus

Sub-Area Manager,
 Duman Hill Colliery of SECL,
 PO: Sonawari Colliery,
 Distt. Surguja (MP)

Management

AWARD

Passed on this 27th day of December, 2006

1. The Government of India, Ministry of Labour vide its Notification No. L- 22012/219/92-IR(C-II) dated 29-10-92 has referred the following dispute for adjudication by this Tribunal :—

“Whether the action of the Sub Area Manager, Duman Hill Colliery of Chirimiri Area of S.E.C. Ltd., in dismissing Shri Om Prakash Agarwal, Security Guard from services w.e.f. 13-12-91 is lagal and justified? If not, to what relief the workman is entitled to?”

2. The case of workman Shri Om Prakash Agarwal inbrief is as follows. That he was appointed as Security Guard on 28-5-88 at Headquarters Bilaspur of SECL. After his appointment, he was posted in Chirimiri area where he remained posted till 16-6-88 at Duman Hill Colliery. His services were governed by the Certified Standing Orders of NCDC Ltd. From Duman Hill Colliery, after taking leave for 6 days on 4-3-89, he proceeded to his village where he fell ill. He informed the management regarding his ailment on 8-3-89 by sending an application along with medical certificate. By the said medical certificate, the Doctor had advised him rest for 12 days. He was being medically treated at Primary Health Centre, Hardi Bazar under the control of District Hospital, Bilaspur. But he could not recover and remained unwell regarding which on 5-4-89, he sent an application to the management with the prayer of extending his leave. He continuously remained sending several applications to the management regarding his ailment. He had received letter dated 18-2-91 from the Suptd. Mines, Duman Hill Colliery whereby he was asked to join his duty and submit his explanation. On 2-4-91, he submitted his explanation along with an application seeking permission to remain on leave as he had been still suffering with the ailment. On 18-4-91, the workman moved an application for joining his duty and submitted medical certificate and fitness certificate but the management of the Duman Hill Colliery did not permit him to join duty. The Suptd. of Mines, Duman Colliery on 21-5-91 issues a chargesheet to him hereby he was charged for remaining absent from duty for more than 10 days continuously

without permission or without any satisfactory explanation. The workman submitted his explanation on 5-6-91 along with medical certificate. On enquiry, it was found that the workman remained absent due to being ill and he kept on informing the management regarding his ailment which was enough for the satisfaction of the management. It is improper and illegal to dismiss the workman from the services. It is also improper on the part of management to punish the workman by dismissal from services only on the first chargesheet against him issued by management. The enquiry conducted by the management is neither proper nor legal and consequently his dismissal from services is also bad in law. It is prayed by the workman that he may be reinstated in service with back wages and other benefits.

3. The management contested the reference and filed their WS. Their case in brief is as follows. That the workman Shri Om Prakash Agarwal was appointed to the post of Security Guard vide appointment order No. 612 dated 28-5-88. Amongst others, the following were the terms and conditions of contract of employment incorporated in the order of appointment which was accepted by the workman concerned. The relevant clause of the appointment order is reproduced as below :—

Clause No. 2 : “Your appointment will be on probation during for a period of one year in the first instance during which period your services will be liable to be terminated/extended without any notice or compensation or without assigning any reasons therefor.”

Clause No. 3 : After successful completion of your probation period and on receipt of satisfactory report about your antecedents and performance, your services may be confirmed in writing by the competent authority.”

The above appointment was subject to the result of a petition No. 1559/88, as ordered by the Hon'ble High Court of MP at Jabalpur on 7-5-88. The services of workman was not satisfactory and due to that reason, his services were not confirmed by the management. Therefore the services of workman were continued on probation. During the period of probation, or the period of extension of probation, the management had a right to terminate the services of workman without assigning any reason whatsoever as per terms of contract of employment. Vide order No. 851-57 dated 12/22-1-89, the workman was charge-sheeted for the following misconducts :—

- i. habitual late attendance and habitual absence without leave or without sufficient cause.
- ii. Habitual or serious neglect of work.
- iii. Habitual indiscipline.
- iv. Threatening, abusing or assaulting the superiors and co-workers.

The workman was also suspended from services after serving the above chargesheet. Though the charges were proved against the workman, the management had taken a lenient view and instead of terminating the services of the

workman, he was continued to be permitted in service by the management. The workman had no leave on credit as on 3-3-89. However, he gave an application for leave-without-pay for the period of 6 days from 4-3-89. 6 days leave were sanctioned to him as a special case. Accordingly he had to resume his duty w.e.f. 10-3-89. Instead of resuming the duty, the workman had sent an application for extension of leave on the ground of sickness. He enclosed a medical certificate from Doctor K. K. Airy. It seems that he had advised rest for 12 days. On perusal of the medical certificate, it seems that the Doctor did not prescribe any medicine to the workman but merely advised him for rest. It is not known to the management that what for the Doctor had advised 12 days rest without prescribing any medicine. According to above medical report, the workman had resumed his duties on expiry of 12 days as advised by the Doctor. However, the workman had preferred not to resume his duties but to continue to be absent from the duties. However he was clever to send letters to the management alleging that he was sick but the said letters were not supported by any medical certificate from any Doctor. Considering the said applications, the management did not take any disciplinary action against the workman. The management presumed that the workman should join as early as possible. However, for a long period the workman had been absenting from duty. The management had left with no other alternative than to issue a letter No. 3329-34 dated 23/24-3-90 advising the workman that he was granted LWP from 4-3-89 for 6 days. Instead of joining on expiry of the granted leave, he applied for extension of leave for further 12 days. Even after expiry of this period also, instead of reporting for duty, he himself indulged in making correspondence with the management and avoided to resume his duties. Under these circumstances, he was advised to attend the colliery medical officer, Duman Hill Colliery for his medical check-up and for further treatment immediately on receipt of the said letter. On receipt of the above letter, the workman did not report to the colliery hospital for his check-up and treatment. As the workman refused to comply with the directions of the management, he was again issued with a letter No. 1649-55, dated 18-2-91 asking him why his services should not be terminated as per terms of appointment order. He was asked to submit his explanation within 10 days on receipt of the above letter failing which it would be presumed that he is no more interested to serve the company and his case will be disposed off by the Competent Authority without any reference to him. On receipt of the said letter, the workman himself approached the management on 2-4-91 and submitted the application stating that he is under treatment and, therefore, needed more rest. He expressed his inability to resume his duties and remained absent from duties continuously. Subsequently the workman on 18-4-91 submitted a report of Medical Board alleged to have been issued by the District Medical Board, Bilaspur. On perusal of the said report, it seems that the medical board has declared him fit to resume his duties. However the workman did not report for duty but he was clever enough to submit medical report to the management for the reasons best known to him. Because of the fact that the workman was absenting from duties from 10-3-89 to 21-5-91 i.e.:

continuously for a period of more than 2 years, the management had no other alternative than to initiate the disciplinary action for absenting duty without leave and permission for a long period by way of issuing chargesheet. Accordingly *vide* Letter No. 4322-30 dated 21-5-91, the chargesheet was served on the workman under clause 17(i)(n) for continuous absence without permission and without satisfactory cause for more than 10 days. The workman has submitted reply to the said chargesheet along with the medical certificate alleged to have been issued by one Doctor A. P. Roy, ENT Specialist and the certificate was issued on 13-4-91. It seems that the medical certificate has been issued in his personal capacity as it has been issued on his personal letter-head. However, in the said medical certificate, it was mentioned that he was being treated as OPD patient for a period from 8-3-89 to 13-4-91. It is not known that for what disease, he was being treated for such a long time. It is also not known as to why the treatment was continued for more than 2 years when there was no positive response to the treatment given by the said Doctor and that too he was treated as an OPD patient. It is also not known as to why the workman did not collect any Medical Certificate from Doctor A. P. Roy and sent to the management while he had sent application for extension of leave from time to time. As the reply to the chargesheet was not satisfactory, the Disciplinary Authority decided to conduct the Disciplinary Enquiry against the chargesheet issued to the workman. As a result *vide* order No. 6165-68 dated 12-7-91, Shri A. Choudhary, Sr. Under Manager, Duman Hill Colliery was appointed as Enquiry Officer and Shri R. P. Gupta Sr. Mining Engineer was appointed as management's representative. The Enquiry Officer *vide* his finding dated 25-9-91 held that the charges alleged against the workman stand proved beyond doubt. He submitted the complete enquiry papers to the Disciplinary Authority along with his report/findings. The Disciplinary Authority went through the entire enquiry papers, findings and other material on record. The Disciplinary Authority having satisfied that the Enquiry Officer had conducted a legal and proper enquiry against the chargesheet issued to the workman concerned, looking into the gravity of the misconduct proved against the workman decided to dismiss his services. As a result, an order of dismissal was passed *vide* order dated 11-13-12-91. It is prayed by the management that the tribunal be pleased to hold the action of the management in dismissing the services of the workman is just, proper, legal and justified.

4. The management in order to prove that the departmental enquiry conducted by the management against the workman is legal and proper, examined Shri A. Choudhary, the then posted as Dy. CME, Duman Hill Colliery, Chirimiri Area, SECL and filed the DE papers.

5. The workman did not adduce any oral evidence on the said issue.

6. My learned predecessor in office after having heard Shri Arvind Srivastava, Advocate the learned counsel for the workman and Shri A. K. Shashi, Advocate learned counsel for the management, after having considered the evidence on record and the departmental enquiry papers

vide order dated 31-7-01 gave findings to the effect that the departmental enquiry conducted against the workman is held just and proper and decided the preliminary issue accordingly.

7. I have heard Shri A. K. Shashi, Advocate the learned counsel for the management. I could not have an opportunity of hearing the Advocate for the workman as nobody appeared for the workman on the date fixed for argument. It has been submitted by the learned counsel for the management that the workman Shri O.P. Agrawal remained absent from duty without any intimation, permission and sanctioned leave for a long period of more than 2 years which itself shows that he had no interest to work. It is further submitted by the learned counsel that the workman was given ample opportunity to improve himself, however, he did not show any improvement in his conduct during his probation period of service. He further submitted that the workman took the lenient view of the management a weakness and continued absenting himself for such a long period of work. It is very clear from the evidence on record and the DE papers that the workman himself remained absent from duty without any reason and leave application for long period. The termination of services is the only punishment which workman deserved. It is therefore concluded that the action of the Sub-Area Manager, Duman Hill Colliery of Chirimiri Area of SECL in dismissing Shri Omprakash Agrawal, Security Guard from services w.e.f. 13-12-91 is legal and justified and he is not entitled to any relief but looking to the facts and circumstances of the case, I am of the opinion that the parties should be directed to bear their own costs of this reference.

8. In view of the above, award is answered in favour of the management and against the workman holding that the action of the Sub-Area Manager, Duman Hill Colliery of Chirimiri Area of SECL in dismissing Shri Omprakash Agrawal, Security Guard from services w.e.f. 13-12-91 is legal and justified and he is not entitled to any relief. The findings on preliminary issue recorded by my learned predecessor *vide* order dated 31-7-01 to the effect that the departmental enquiry conducted against the workman is just and proper, shall form the part of this award.

9. The parties shall bear their own costs of this reference.

10. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 19 जनवरी, 2007

का.आ. 448.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मोहन कोलीयरी डब्ल्यू.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या 46/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-1-2007 को प्राप्त हुआ था।

[सं. एल-22012/120/2001-आई आर (सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 19th January, 2007

S.O. 448.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 46/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial Dispute between the management of Mohan Colliery WCL and their workmen, received by the Central Government on 19-1-2007.

[No. L-22012/120/2001-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/46/02

Presiding Officer : Shri C. M. Singh

The Secretary,
R.K.K.M.S. (INTUC),
PO : Chandametta,
Chhindwara.

....Union/workman

Versus

The Manager,
Mohan Colliery of WCL,
PO Ambara, Distt. Chhindwara (MP),
Chhindwara.

....Management

AWARD

Passed on this 26th day of December, 2006.

1. The Government of India, Ministry of Labour *vide* its Notification No. L-22012/120/2001-IR(CM-II) dated 7-3-02 has referred the following dispute for adjudication by this tribunal :

"Whether the action of the management Mohan Colliery of WCL, Kanhan Area, Distt. Chhindwara (MP) in not correcting the date of birth of Shri Ansar Ahmed S/o Mohd. Siddique as 1-7-1952 is legal and justified? If not, to what relief he is entitled to?"

2. After the reference order was received, it was duly registered on 14-3-02 and notices were issued to the parties to file their respective statements of claim. The order dated 3-6-05 on the order sheet of this reference proceedings indicates that on the said date, it was ordered that the reference shall proceed *ex-parte* against the workman.

3. On the date fixed for filing Written Statement by the management, a settlement deed in the Form-H has been filed on behalf of the parties by the management. This settlement deed has been duly verified by Shri A. K. Shashi, Advocate the learned counsel for the management. He also identified the signature of workman Shri Ansar Ahmed on this date. I have very carefully gone through the terms and conditions of the settlement deed which are as follows :—

"(i) That the date of birth/age of Shri Ansar Ahmad, Tim. Maz. Mohan Colliery has been rectified based on the recommendation of Age Determination

Committee as approved by HQ vide letter No. WCL/IR/Impl/Misc./115/140 dated 1-7-02.

- (ii) This agreement shall not be quoted as a precedence for resolving the dispute of similar nature.
- (iii) This is full and final settlement in respect of the employee concerned. Neither workman concerned himself nor through any union shall raise any dispute in regard to this dispute at any level/forum or in court.
- (iv) This settlement will be filed before the CGIT, Jabalpur with request for consent award in connection to Case No. CGIT/LC/R/46/2002."

The above terms and conditions of the settlement deed are proper and legal. In view of the above, it shall be just and proper to pass award in terms of settlement. Consequently the award is passed in terms of settlement. The terms of settlement shall form the part of the award.

4. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 19 जनवरी, 2007

का.आ. 449.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेशनल डेयरी डेवलपमेंट बोर्ड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अहमदाबाद के पंचाट (संदर्भ संख्या 916/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-1-2007 को प्राप्त हुआ था।

[सं. एल-42012/22/2001-आई आर (सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 19th January, 2007

S.O. 449.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 916/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure, in the Industrial Dispute between the management of National Dairy Development Board and their workmen, received by the Central Government on 19-1-2007.

[No. L-42012/22/2001-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AT AHMEDABAD**

PRESENT

Shri A. A. LAD, Presiding Officer

(Reference C.G.I.T.A. No. 916/04)

OLD (I.T.C) No. 9/02

The General Manager,
N.D.D.B., Anand-388 001

.....First Party

V/s.

Shri B. C. Dandiwal, "Shrivanand" Manav Mandir Society, 22/C Opp Panigate Water Tank, Voghodia Road, Baroda -19

.....Second Party

APPEARANCE

First Party : (Shri B. K. Oza)

Second Party : (Shri B. C. Dandiwal)

AWARD

1. Desk Officer Government of India Ministry of Labour and Employment, New Delhi, by correspondence No. L-42012/22/2001-IR (C-II) dated 27-3-2002 send following reference by exercising power given under clause (d) of sub-section (1) sub-section Section 2A and 10 of the Industrial Dispute Act.

SCHEDULE

"Whether the action of the Management of N.D.D.B. Anand is justified in relieving Shri Bipinchandra C. Dandiwal on voluntary retirement w.e.f. 21-6-1996 instead of 22-7-1996 as requested by workman in his application opting voluntary retirement under V.R. Scheme 1996? If not to what relief workman is entitled?"

2. To substantiated subject matter referred in the reference second party filed a statement of claim at Ex. 2 as well as with letter dated 23-1-2003 stating and contending that, he was retired prior to date of his retirement which opted under VRS scheme introduced by the first party. Second party join initially as a junior executive and worked upto level of assistant. The VRS scheme introduced by the first party was accepted by the second party he send willingness to retire him w.e.f. 22-7-1996 as his yearly second increment was due of the year in July and to get benefit of it. He insisted first party to retire him w.e.f. 22-7-1996. He served for 22 years with dairy board. However, he was retired on 21-6-1996 one month prior to date of retirement date intimated by him by which he received loss of Rs. 90,016.50. So he prayed that, resignation accepted by the first party of the second party w.e.f. 21-6-96 be declared not legal. He also prayed that due to said premature retirement he lost benefit of his retirement.

3. This prayed is objected by the first party by filing reply in Gujarati at Ex. 10 stating that, VRS Scheme was announced by it by office circular dated 6-5-1996 and application were invited of the employees who want to opt it. Accordingly second party workmen opted VRS as per the scheme. Such scheme gave discretion to the first party to implement date of retirement as per its choice and it was not left with employee like second party to decide date of retirement. Accordingly by letter dated 30-8-1999 first party informed through the Manager that, second party will be retiring w.e.f. 21-6-1996. Even second party accepted benefits of the retirement scheme. He also accepted monetary benefits like Rs. 4,94,440.15. Even by accepting the said amount he did not accept it under protested and disputed the date of retirement as disputed by him later on. As soon as he accepted VRS scheme and monetary benefits of it, he ceases status of the employee and does not cum

under definition of Section 2 (s) of Industrial Disputes Act. Besides he raised the dispute after long time which does not permit him to do so. So it is prayed that, dispute raised and prayer prayed does not survive.

4. In view of the pleadings issues arises for my determination are answer against it by me as follows :

Issues :

- (1) Whether second party yet has status as a 'workman' under section 2 (s) of the Industrial Disputes Act and is an employee of the first party?
- (2) Whether second party's resignation accepted by the first party w.e.f. 21-06-1996 is just and proper?
- (3) What relief second party is entitled to get?
- (4) What order?

5. My answer to the above issues are as under as per the reasons given below :

- (1) No
- (2) Yes
- (3) Does not survive
- (4) As per order below.

REASONS

Issue Nos. 1 to 3 :

6. By this reference, second party raised the dispute after his retirement dated 21-6-1996 stating that, though he asked first party to retire him on 22-7-1996, he was retired on 21-6-1996 which is against his demand. According to him the decision taken by the first party in retiring him on 21-6-1996 is not legal, just and as per the principle of natural justice. He was entitled to get second yearly increment which was due in month of July and with that intention, he prayed first party to retire him on 22-7-1996, so that he can get monetary benefits. But retiring him prior to 22-7-1996, first party commit breach of the offer given by it and illegally retired him on 21-6-1996 depriving him the monetary benefits which he may get by retiring on 22-7-1996. This is objected by the first party stating that, there was no choice for the employee like second party to opt date of retirement. Discretion in choosing date of retirement and taking decision regarding that was entirely with the first party. Even second party accepted the retirement letter issued to him stating date of retirement 21-6-1996 and grab all benefits which are not meagre causal as he got Rs. 4,94,440.15. As deciding date was a choice of the first party, second party cannot raised the dispute about the date of resignation. Even in the dispute same is not disputed by second party in sending earlier correspondence to the first party. So it is stated that dispute raised at this stage is not worth to consider and adjudicated.

7. It is a matter on record that second party received a letter dated 30-5-1996 of his retirement w.e.f. 21-6-1996. It is matter on record that, he accepted monetary benefits like Rs. 4,94,440.15 as a result of that said retirement. It is a matter also on record that second party did not accept the said

monetary benefits under any protest and raised the dispute regarding the date of retirement at earliest. The Ld. Advocate of the first party translated some admissions given by the second party in his cross which is not objected or disputed by the second party which reveals that, he apply for VRS and he received letter dated 30-5-1996. Even in the cross he admitted that, he gone through the VRS at Ex. 18/1. He admits that, he has not disputed the terms and condition of VRS. Even he admits that, he was retired by first party on 21-6-1996 and get Rs. 4,94,440.15 as a monetary benefit.

8. Now at present second party is retired employee of the first party. As per Section 2 (s) of Industrial Disputes Act, the workman which is discharged or retrenched as a result of part of management can be a workman under Section 2(s) of the Industrial Disputes Act. However, the workman who at his own opt retirement cannot call as workman under Section 2(s). The citation referred by the first party's Advocate published in 2001 II CLR 170, the decision of Hon 'ble Kerala High Court while decided petition between Purandaran V/s. Hindustan Lever Ltd., observed that, the terms of "resignation and retirement does not fall under Section 2(s) of the Industrial Disputes Act and said can not be called as a workman" who opted or ceased status of workman and cannot raise dispute as raised by this workman.

9. Besides this as stated above, second party accepted the VRS benefits. It is admitted position that he received a letter dated 30-5-1996 and benefits Rs. 4,94,440.15. It is also matter of record that he did not accept the said benefits under any protest or under any reservations.

10. The calculation given by him in the statement of claim is not proved and all this figures are hypothecated. It has no base and bearing. When he opted VRS and accept the monetary benefits in my considered view, he cannot now take 'U' turn from it. He was retired early then what he was accepting. Moreover, the terms and conditions of VRS gives privilege to first party to decide terms and condition of the retirement. The documents produced with it is Ex. 18/1 which is VRS produced by the first party reveals that, "the competent authority for accepting the offer of voluntary retirement application, applications shall be the managing director N.D.B.D. which will be at her sole discretion".

As per this first party exercise its discretion and retired second party by giving letter dated 30-5-1996 retiring him on 21-6-1996.

11. So if we considered all this scenario and case made out by second party in my view, there is no scope to interpret VRS as per second party. Besides I find that no illegality is done by the first party in retiring second party workman on 21-6-96. Moreover, second party accepted monetary benefits fully. All this reveals that second party has raised the dispute just to harass first and to grab any more benefits which he can. According to me second party cannot misuse the process of law. Accordingly, I answer above issues to that effect and passes the following order :

ORDER

The reference is rejected with no order as to its cost.

Date: 4-1-07

Ahmedabad. A. A. LAD, Presiding Officer

नई दिल्ली, 19 जनवरी, 2007

का.आ. 450.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय जीवन बीमा निगम के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या 88/03) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-1-2007 को प्राप्त हुआ था।

[सं. एल-17012/13/03-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 19th January, 2007

S.O. 450.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 88/03) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Life Insurance Corporation of India and their workmen, which was received by the Central Government on 18-01-2007.

[No. L-17012/13/03-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD**

PRESENT

Shri T. Ramachandra Ready, Presiding Officer

Dated the 22nd day of December, 2006

Industrial Dispute No. 88/2003

BETWEEN

The General Secretary,
Insurance Corporation Employees' Union,
C/o. L.I.C. India Divisional Office,
1-8-179, Lakpath Bldgs., S. D. Road,
Secunderabad - 500 003.Petitioner

And

The Sr. Divisional Manager,
Life Insurance Corporation of India,
Divisional Office,
1-8-179, Lakpath Bldgs., S.D. Road,
Secunderabad - 500 003.Respondent

APPEARANCES

For the Petitioner : Sri N. P. Babu, Union
Representative

For the Respondent : M/s. P. Negeswara Sree,
K. Raghu Ram Reddy,
Ch. Venkata Raju & T. Vijaya
Rao, Advocates

AWARD

This is a reference made by the Government of India, Ministry of Labour by its order No. L-17012/13/2003-IR(B.I) dated 30-10-2003 in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 with the following schedule :

SCHEDULE

"Whether the action of the management of Life Insurance Corporation of India, Hyderabad in not proving an opportunity to Sri R. Bhadrn Naik, working at Miryalguda Branch to appear for direct interview for promotion to the post of HGA (Admn.) in the year 1999, is justified or not? If not, what relief the workman is entitled to?"

2. The workman R. Bhadrn Naik filed his claim statement alleging that when he was working at Miryalguda Branch of Life Insurance Corporation of India, he applied for promotion to the cadre of HGA (Admn.) in response to the notification issued on 30th October, 1999 by the Senior Divisional Manager (Promoting Authority), Life Insurance Corporation of India, Hyderabad. He completed 10 years of service including the period of training as on 1-10-1999 and eligible to attend the interview without any test. Further, he belongs to ST category but he was not called for interview in spite of his eligibility and that he was denied promotion for one year. He could get his promotion only in the next round of selection. Since he lost the benefit of promotion for one year with the consequential loss of increment and seniority, he made appeals but it was not considered. He sought relief to rectify the mistake and provide the benefit of promotion w.e.f. the promotional year 1999 with consequential benefits.

3. The Respondent filed the counter and denied the averments made in the petition and contended that the Respondent Life Insurance Corporation of India is a statutory body incorporated as per the provisions of Life Insurance Corporation of India Act, 1956. Sec. 48 of Life Insurance Corporation of India Act empowers to make rules, accordingly, Corporation framed regulations governing the service conditions of the employees known as Life Insurance Corporation of India (Staff) Regulation, 1960, Further Life Insurance Corporation Amendment Act, 1981 clause (cc) was added to sub-section (2) of Sec 48 w.e.f. 31-1-1981, the clause (cc) "the terms and conditions of service of the employees and agents of the Corporation, including those who became employees and agents of the Corporation on the appointed day under this Act."

4. It is further submitted that by the said Amendment Act, the Central Government can make rules in respect of terms and conditions of the service of the employees and agents of the Corporation. In view of the introduction of clause (cc) in Section 48(2) of Life Insurance Corporation of India Act it shall be deemed that regulation

14 which has been originally framed under Sec. 49 of Life Insurance Corporation of India Act will be a rule framed in clause (cc) of sub-section 2 and shall have overriding effect because of sub-section (2c) over the provisions of the Industrial Disputes Act, 1947 in respect of terms and conditions of an employee of the corporation, which is covered by the definition of workman under the Industrial Disputes Act, 1947. He further submitted that the claimant workman was considered in the next round of promotion in the year 2000 on his application and he was exempted from written test and he was promoted to the cadre of HGA vide orders dated 10-4-2001. It is further submitted that the period of training was not taken into consideration for promotion in the promotion round 1999 by inadvertence and it was not intentional. It is further submitted that mere calling for interview does not confer any right on any candidate for promotion and the selection for promotion depends on seniority, merit, performance in the interview etc., and the claimant workman who was not called for interview cannot claim that he could have been selected if he was called for interview. The claimant workman did not attend for written test when an opportunity was provided in the year 1999 and he could not brought to the Management about his eligibility and inadvertent interpretation of the provisions for promotion. It is further submitted that there is no provision for grant of promotion with retrospective effect under Life Insurance Corporation of India Promotion Rules, 1987. It is further submitted that the provisions of Industrial Disputes Act, 1947 are not applicable and hence, the petition is not maintainable as this Tribunal has no jurisdiction to entertain and adjudicate the dispute.

5. The Petitioner workman filed his affidavit in support of his case and got marked Xerox copies of the documents Ex. W1 to W12. Ex. W1 is the copy of notification dated 30-10-1999. Ex. W2 is the copy of representation of Bhadru Naik dated 25-9-2000. Ex. W3 is the copy of representation of Bhadru Naik dated 2-6-2001. Ex. W4 is the copy of representation of Bhadru Naik dated 24-8-2001. Ex. W5 is the copy of representative of Bhadru Naik dated 18-2-2002. Ex. W6 is the copy of notification reg. conditions of eligibility for promotion to various cadres. Ex. W7 is the copy of circular No. ZD/789/ASP/93 dated 7-5-1993. Ex. W8 is the copy of notification of Government of India reg. Life Insurance Corporation of India Class III & IV employees promotion amendment rules, 1993 dated 4-5-1993. Ex. W9 is the copy of failure report of conciliation. Ex. W10 is the copy of representation of Bhadru Naik to ALC(C) dated 24-2-2003. Ex. W11 is the copy of representation of the union to ALC(C)-I. Hyderabad. Ex. W12 is the copy of authorization letter to represent on behalf of the effected person Mr. Bhadru Naik. As against this evidence the Respondent filed Ex. M1 to M7 xerox copies of the documents. Ex. M1 is the interview call letter dated 10-2-2000. Ex. M2 is the selected list dated 16-3-2000. Ex. M3 is the notification dated 14-8-2000 for departmental aptitude test for promotion. Ex. M4 is the office order dated 9-3-2001 list of candidates appeared for interview for promotion. Ex. M5 is the list of selected candidates dated 10-4-2001. Ex. M6 is the consent letter for promotion and posting Ex. M7 is the joining report.

6. The Petitioner contended that he applied for promotion to the cadre of HGA(Admn.) in response to the notification dated 30th October, 1999 and that he is eligible for appearing before the interview as his training period undergone shall be reckoned as a part of service and that he has completed 10 years of service by 1st October, 1999. But the Respondent Management did not consider his application and that he lost an opportunity to get the promotion. As such he is entitled to be promoted w.e.f. the promotional year 1999.

7. On the other hand it is contended by the Learned Counsel for the Respondent that the period of training of the Petitioner was not taken into consideration for calling for interview for promotion by inadvertence and that it was not intentional and further contended that the Petitioner was promoted subsequently by the order dated 10-2-2000 as per the rules. And further contended that the Petitioner cannot claim that even of calling for interview he could have been promoted and the promotion is not a right and depends on seniority, merit and performance in the interview and further contended that there is no provision to grant permission with retrospective effect under Life Insurance Corporation of India Promotion Rules 1987. It is further condended that Life Insurance Corporation of India is a statutory body incorporated under Life Insurance Corporation of India Act, 1956 under Sec. 48 of Life Insurance Corporation of India Act, the Respondent corporation framed regulations governing service conditions of the employees and further conducted that in view of the clause (cc) to Sec.48(2) and sub-section 2A in Sub-section 48 of Life Insurance Corporation of India Act, the regulations shall have overriding effect over the provisions of Industrial Disputes Act, 1947 so far as the concerned conditions of the employment of such employees. As such this tribunal has no jurisdiction to entertain the case and pass an award and relied on 1994(2) SCC page 323, M. Venugopal Vs. Divisional Manager, Life Corporation of India, Machilipatnam, Andhra Pradesh and others and Writ Petition No. 20956 of 2002 Life Insurance Corporation of India Vs. (1) CGIT cun Labour Court, Hyderabad and (2) General Security, Insurance Corporation Employees Congress.

8. Inview of the pleas taken by the Respondent two issues arise firstly the Petitioner is entitled to be called for interview and in the even of selection where he is entitled to get seniority from the date of notification issued in the year 1999 with consequential benefits. Second issue is whether this court has no jurisdiction to entertain the petition and to pass an Award under Industrial Disputes Act, 1947.

9. The eligibility of the Petitioner that he completed 10 years of service and eligible to attend interview in response to the notification dated 30-10-1999 is not disputed. The Respondent has taken the plea that the claim of the Petitioner is not considered due to inadvertence and that there is no provision in the promotion rules to rectify the mistake.

10. It should be noted that mere calling for the interview does not confer on the candidate to get promotion and the selection depends upon the seniority, merit and

performance in the interview. The Petitioner who was not called for interview can not claim promotion for the year 1999 on the ground that there is no guarantee of his promotion. The fact remains that the Petitioner was not given an opportunity to appear for the interview by the Respondent. It is the duty of the management to scrutinize the applications and send the call letters for interview. Admittedly the Management has done a mistake in scrutinizing the application of the Petitioner and not calling the Petitioner for interview. Therefore, Petitioner is entitled to get an opportunity to call for the interview by the selection committee and in the event of selection his seniority has to be reckoned from 1999 as per the promotion rules. The relief claimed by the Petitioner that he is entitled for promotion in 1999 cannot be granted in view of the fact that there is no guarantee that he will be selected in the year 1999, as the promotion depends upon the seniority, merit and performance in the interview etc. Therefore, I hold the issue that the Petitioner is entitled to get an opportunity to call for the interview by the selection committee under the promotion rules and in the event of selection he will be entitled for promotion from 1999 with consequential benefit. However, this issue is subject to the issue of jurisdiction of this Tribunal.

11. The next and important question is whether this court has got jurisdiction to entertain the petition. It is not in dispute that the Respondent Corporation framed regulations governing the service conditions of the employees known as Life Insurance Corporation of India (Staff) Regulations, 1960 and the rules shall have overriding effect over the provisions contained in Industrial Disputes Act, 1947 so far as the terms and conditions of the employees is concerned. The Apex Court has held in 1999(2) SCC page 323 at para 10 as follows: "10. There is yet another aspect of the matter. The Corporation Act vests power in the Central Government to make rules in order to carry out the purposes of the Act. By Life Insurance Corporation (Amendment) Act, 1981 (Act 1 of 1981), clause (cc) was added to sub-section (2) of Section 48 with effect from January 31, 1981. Clause (cc) provides—

"(cc) the terms and conditions of service of the employees and agents of the Corporation, including those who became employees and agents of the Corporation on the appointed day under this Act;"

With introduction of clause (cc), the Central Government can by notification in Official Gazette, make rules in respect of the terms and conditions of the service of the employees and agents of the Corporation. By the aforesaid Amending Act, three new sub-sections were also introduced, which are relevant for the present case :

"(2A) The regulations and other provisions as in force immediately before the commencement of the Life Insurance Corporation (Amendment) Act, 1981, with respect to the terms and conditions of service of employees and agents of the Corporation including those who became employees and agents of the Corporation on the appointed day under this Act, shall be deemed to be rules made under clause (cc) of sub-section (2) and shall, subject to the other provisions of this section, have effect accordingly.

(2-B) The power to make rules conferred by clause (cc) of sub-section (2) shall include—

- (i) the power to give retrospective effect to such rules; and
- (ii) The power to amend by way of addition, variation or repeal, the regulations and other provisions referred to in sub-section (2-A), with retrospective effect, from a date not earlier than the twentieth day of June, 1979.

(2-C) The provisions of clause (cc) of sub-section (2) and sub-section (2-B) and any rules made under the said clause (cc) shall have effect, and any such rule made with retrospective effect from any date shall also be deemed to have had effect from the date, notwithstanding any Judgement, decree or order of any court, tribunal or other authority and notwithstanding anything contained in the Industrial Disputes Act, 1947 (14 of 1947) or any other law or any agreement, settlement, award or other instrument for the time being in force."

Sub-section (2-A) provided that regulations and other provisions in force immediately before the commencement of the aforesaid Amending Act with respect to the terms and conditions of service of employees and agents of the Corporation shall be deemed to be rules made under clause (cc) of sub-section (2) of Section 48. Sub-section (2-B) empowered the Central Government to make rules under power conferred by clause (cc) of sub-section (2), which power includes to give retrospective effect to such rules. It also authorized the Central Government to add, vary or repeal the regulations already framed and in existence. Sub-section (2-C) contains a non obstante clause saying that notwithstanding anything contained in the Industrial Disputes Act 1947 or any other law or any agreement, settlement, award or other instrument for the time being in force, the provisions of clause (cc) of sub-section (2) aforesaid and any rules made under the said clause (cc) shall have effect. In view of the introduction of clause (cc) in Section 48 (2) and sub-section (2-A) in Section 48 of the Corporation Act, it shall be deemed that Regulation 14 aforesaid, which had been originally framed under Section 49 of the Corporation Act, will be a rule framed under clause (cc) of sub-section (2) and shall have overriding effect because of sub-section (2-C) over the provisions of the Industrial Disputes Act in respect of terms and conditions of an employee of the Corporation, who is covered by the definition of "workman" under the Industrial Disputes Act. It may be pointed out that by the same Amending Act clause (bb) of sub-section (2) of Section 49 which authorized the Corporation with the previous approval of the Central Government to make regulations in respect of the terms and conditions of the services of the employees and agents of the corporation was deleted. By a statutory fiction, the regulations relating to the terms and conditions of the employees and agents of the Corporation framed under Section 49 (2) (bb) shall be deemed to be now the rules framed under Section 48 (2) (cc) of the Corporation Act, and such rules shall have overriding effect over the provisions contained in the Industrial Disputes Act, so far as the terms and conditions

of the employment of such employees who also conform to the requirement of the definition of "workman" under the Industrial Disputes Act, are concerned."

12. Basing on the said ruling the Hon'ble High Court of A.P. held in Writ Petition No. 20956 of 2002 observing that Sec. 48 of Corporation Act had clearly excluded the provisions of Industrial Disputes Act, 1947 so far as they are in conflict with the rules framed under Sec. 48 (2) (cc) and observed as follows in para, "4. Learned Counsel for Petitioner submitted that the matter is squarely covered by the Judgement of the Apex Court in M.Venugopal Vs. Divisional Manager. It is held by the Apex Court that the amendment introduced in Section 48 of the Corporation Act have clearly excluded the provisions of the Industrial Disputes Act so far as they are in conflict with the rules framed under Sec. 48(2) (cc). The result where of will be that termination of the service of the Petitioner shall not be deemed to be a retrenchment within the meaning of Sec. 2 (oo) and when once Sec.2(oo) is not attracted there is no question of application of Sec. 25-F on the basis of which the termination of the services of the Petitioner can be held to be invalid. It is further held that in view of the introduction of clause (cc) in Sec. 48(2) and sub-section (2-A) in Sec. 48 of the Corporation Act, by the Life Insurance Corporation (Amendment) Act, 1981, it shall be deemed that Regulation 14, which had been originally framed under Sec.49 of the Corporation Act, will be a rule framed under Clause (cc) of sub-sec. (2) and shall have overriding effect because of sub-sec (2-C) over the provisions of the Industrial Disputes Act, in respect of terms and conditions of an employee of the Corporation, who is covered by the definition of workman under the Industrial Disputes Act."

13. In view of amendment and the decisions of Hon'ble High Court of A.P., and Apex Court this Tribunal has no jurisdiction to entertain the petition, since the Petitioner is governed by the rules and regulations and other provisions in force immediately before the commencement of Amendment Act with respect to the terms and conditions of the service of the employees of the Corporation. Therefore, it has to be held that this tribunal has no jurisdiction to pass an Award in this matter. In the result, the petition is dismissed.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her and corrected by me on this the 22nd day of December, 2006.

T. RAMACHANDRA REDDY, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner :

WW1: Sri N.P. Babu

Respondent :

MW1: Sri M.V. Ramana Murthy

Documents marked for the Petitioner

- Ex. W1: Copy of notification dt. 30-10-1999
Ex. W2: Copy of representation of Bhadru Naik dt. 25-9-2000
Ex. W3: Copy of representation of Bhadru Naik dt. 2-6-2001

- Ex. W4: Copy of representation of Bhadru Naik dt. 24-8-2001
Ex. W5: Copy of representation of Bhadru Naik dt. 18-2-2002
Ex. W6: Copy of notification reg. conditions of eligibility for promotion to various cadres
Ex. W7: Copy of circular No.ZD/789/ASP/93 dt. 7-5-1993
Ex. W8: Copy of notification of Government of India reg. Life Insurance Corporation of India Class III & IV employees promotion amendment rules, 1993 dt. 4-5-1993
Ex. W9: Copy of failure report of conciliation
Ex. W10: Copy of representation of Bhadru Naik to ALC (C) dt. 24-2-2003
Ex. W11: Copy of representation of the union to ALC (C)-I, Hyderabad
Ex. W12: Copy of authorization letter to represent on behalf of the effected person Mr. Bhadru Naik

Document marked for the Respondent

- Ex. M1: Copy of the interview call letter dated 10-2-2000
Ex. M2: Copy of the selected list dated 16-3-2000
Ex. M3: Copy of the notification dated 14-8-2000 for departmental aptitude test for promotion
Ex. M4: Copy of the office order dated 9-3-2001 list of candidates appeared for interview for promotion
Ex. M5: Copy of the list of selected candidates dated 10-4-2001
Ex. M6: Copy of the consent letter for promotion and posting
Ex. M7: Copy of the joining report.

नई दिल्ली 17 जनवरी, 2007

का.आ. 451.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नार्दन रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/भ्रम न्यायालय, बीकानेर के पंचाट (संदर्भ संख्या 4/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-1-2007 को प्राप्त हुआ था।

[सं. एल-41012/234/99-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 17th January, 2007

S.O. 451.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 4/2001) of the Industrial Tribunal-cum-Labour Court, Bikaner as shown in the Annexure in the Industrial Dispute between the management of Northern Railway and their workmen, received by the Central Government on 17-1-2007.

[No. L-41012/234/99-IR (B-I)]

AJAY KUMAR, Desk Officer

अनुबंध**औद्योगिक विवाद अधिकरण, बीकानेर**

पीठासीन अधिकारी : श्री नाथू लाल मीना,
आर. एच. जे. एस.

न. मु. केन्द्रीय औद्योगिक विवाद प्रसंग नं. 4 सन् 2001.

महामंत्री, रेलवे केजुअल लेबर यूनियन (प. सं. 33/69) डागा स्कूल के पास, बीकानेर (कर्मचारी नियाज मोहम्मद पुत्र श्री निसार अहमद)

—प्राथी/यूनियन

विरुद्ध

1. मण्डल रेल प्रबंधक, उत्तर रेलवे, बीकानेर
2. मण्डल कार्मिक अधिकारी, उत्तर रेलवे, बीकानेर
3. सहायक अभियन्ता, उत्तर रेलवे बीकानेर (आई.डब्ल्यू.)

अप्राथीगण/नियोजक

प्रसंग अन्तर्गत धारा 10(1) (घ) औद्योगिक विवाद अधिनियम, 1947

उपस्थिति:—

1. श्री अरविन्द सिंह सैगर, श्रमिक प्रतिनिधि प्राथी पक्ष के लिये
2. श्री योगेन्द्र पुरोहित, अधिवक्ता, अप्राथी नियोजक पक्ष के लिये

अधिनिर्णय

दिनांक 11 अक्टूबर, 2006

भारत सरकार के श्रम मंत्रालय, नई दिल्ली ने “औद्योगिक विवाद अधिनियम, 1947” जिसे आगे चलकर केवल अधिनियम कहा जावेगा की धारा 10 की उपधारा (1) के खण्ड (घ) के अधीन जारी आदेश सं. एल-41012/234/99-आई आर (बी-1) दिनांक 13 मार्च, 2001 द्वारा प्रेषित इस प्रसंग के अन्तर्गत निम्न विवाद इस अधिकरण में अधिनिर्णयार्थ भेजा था :-

“Whether the action of the management of Northern Railway, Bikaner in terminating the services of Shri Niyaz Mohd. is justified? If not, what relief the workman concerned is entitled?”

प्रसंग प्राप्त होने पर प्रकरण दर्ज रजिस्टर किया गया, दोनों पक्षकारों द्वारा अपने-अपने लिखित अभिकथन पेश किये गये हैं।

2. प्रसंग प्राप्त होने पर प्राथी यूनियन द्वारा श्रमिक नियोज मोहम्मद की सेवामुक्ति के सम्बन्ध में प्रस्तुत क्लेम विवरण का नोटिस अप्राथी नियोजक मण्डल रेल प्रबंधक उत्तर रेलवे बीकानेर को दिया जाने पर अप्राथीगण की ओर से जवाब क्लेम पेश किया गया है।

3. संक्षेप में प्रकरण के तथ्य इस प्रकार से बतलाये गये हैं कि प्राथी कर्मचारी नियाज मोहम्मद द्वारा इस आशय का क्लेम प्रस्तुत किया गया है कि उसकी नियुक्ति 15-3-78 को कार्य निरीक्षक (निर्णय) उत्तर रेलवे बीकानेर सहायक अभियन्ता उत्तर रेलवे बीकानेर की देख-रेख में दैनिक वेतन भोगी केजुअल्स लेबर खलासी के पद पर हुई थी और 120 दिन से अधिक कार्य करने के आधार पर वह अस्थायी स्टेट्स एवम् वेतनमान पाने का अधिकारी औद्योगिक कर्मचारी हो गया था फिर भी उसकी सेवा दिनांक 15-8-78 को मौखिक रूप

से छंटनी के तौर पर समाप्त कर दी गयी कर्मचारी की इस सेवामुक्ति को गलत, अवैध, अनुचित एवम् अनधिकृत बताते हुए निरस्तनीय बतलाया है एवम् यह अभिवचन किया है कि उस जैसे अन्य कार्य करने वाले कनिष्ठ कर्मचारी श्री पियाज खान पुत्र श्री महमूद खान रेलवे वार्ड सं. 183325 को कार्य पर रख लिया गया परन्तु प्राथी कर्मचारी द्वारा सक्षम नियोजक पद को बार-बार निवेदन करने के बाद भी आज तक कार्य पर नहीं रखा जिससे उसके साथ घोर अन्याय हुआ है, आगे यह भी अंकित किया गया है कि उसकी सेवा समाप्त करने के पश्चात् उसके कनिष्ठ कर्मचारीगण श्री रतनसिंह पुत्र मीदूसिंह, पूनमचन्द पुत्र श्री भंवरलाल, मौहम्मद रफीक पुत्र श्री हाजी मोहम्मद, श्री गौरीशंकर पुत्र श्री मेघाराम एवम् श्री पियाज खान पुत्र श्री महबूब खान को सेवा में कायम रखा गया है और प्राथी की सेवामुक्ति से पूर्व उस जैसे अन्य कर्मचारियों की वरिष्ठता सूचि घोषित नहीं की गयी जिससे पहले आये पीछे जाये के सिद्धान्त की पालना नहीं की गयी है, प्राथी की सेवा समाप्त करने से पूर्व उसको सेवा समाप्ति का कोई नोटिस, नोटिस वेतन अथवा छंटनी सुआवजा नहीं दिया और उसके जूनियर कर्मचारीगण वर्तमान में कार्यरत हैं, प्राथी की सेवा समाप्त करते समय अधिनियम की धारा 25-बी, एच एवम् नियम 77-78 की पालना नहीं की गयी है जबकि उसने 120 दिन से अधिक कार्य करने पर रेलवे नियमों के अनुसार वह सी. पी. सी. स्केल पाने का अधिकारी हो गया था और पूरा वेतन भत्ता आदि पाने का अधिकारी था जो नहीं दिये जाने से उसके साथ घोर अन्याय हुआ है। प्राथी के साथ, नियोजक पक्ष द्वारा अनुचित लेबर प्रेक्टिस अपनाते हुए उसकी सेवा समाप्त की गयी है। प्राथी का रेल कार्य संतोषजनक रहा, कार्य के प्रति कभी कोई शिकायत नहीं रही और उसके विरुद्ध कभी कोई विभागीय जांच नहीं की गयी, उसे कोई आरोप पत्र नहीं दिया गया। प्राथी की सेवा दिनांक 15-8-78 को कार्य निरीक्षक (आई. ओ. डब्ल्यू.) उत्तर रेलवे लालगढ़ द्वारा मौखिक रूप से टर्मिनेट कर दी गयी, उसने नियोजक पक्ष से कई बार पुनः सेवा में बहाल करने बाबत निवेदन किया, लिखित में भी प्रार्थनापत्र दिये और मौखिक रूप से भी कई बार निवेदन किया परन्तु नियोजक पक्ष द्वारा कोई विचार नहीं किया जिससे यह औद्योगिक विवाद उत्पन्न हुआ है, प्राथी ने अपना औद्योगिक विवाद उठाने में जानबूझकर लालब नही किया है वह नियोजक के पास जाता रहा, नियोजक पक्ष आश्वासन देते रहे परन्तु सेवा में बहाल नहीं किया। प्राथी कर्मचारी द्वारा अपना औद्योगिक विवाद यूनियन के माध्यम से उठाया गया जिसके असफल वार्ता प्रतिवेदन के आधार पर भारत सरकार श्रम मंत्रालय द्वारा यह विवाद अधिनिर्णयार्थ प्रेषित किया है, उसके पक्ष में माननीय राजस्थान उच्च न्यायालय जोधपुर में एस. बी. सिविल रिट पीटीसन सं. 4180/2000 में आदेश दिनांक 4-2-2001। मैंने सरकार को रैफरेन्स करने का आदेश पारित किया है, प्राथी अपनी सेवामुक्ति तीथि से आज तक बेरोजगार है और किसी भी लाभदायक नियोजन में नियोजित नहीं रहा है। अतः मैं प्राथी द्वारा अपनी इस सेवामुक्ति को निरस्त करने एवम् पुनः सभी देय लाभों सहित बहाल करने व पूरा वेतन दिलाने की प्रार्थना की गयी है।

4. प्राथी द्वारा प्रस्तुत इस क्लेम का जवाब अप्राथीगण की ओर से पेश करके प्रकरण में प्रतिवाद किया गया है, अप्राथीगण का जवाब है कि प्राथी कर्मचारी ने दिनांक 15-3-78 से निर्माण निरीक्षक उत्तर रेलवे, बीकानेर के अधीन खलासी दैनिक वेतनभोगी कैज्युअल लेबर

के रूप में काम नहीं किया, रेकार्ड के मुताबिक कर्मकार ने कैजुअल लेबर के रूप में कभी भी कार्य नहीं किया, जब उसने कोई कार्य ही नहीं किया तो उसकी सेवा समाप्ति का प्रश्न ही नहीं उठता है, अन्य सभी तथ्यों और मांगे गये अनुतोष को अस्वीकार करते हुए यह भी अंकित किया है कि औद्योगिक विवाद अधिनियम की धारा 25-जी एच एवम् नियम 77-78 की पालना करने सम्बन्धित प्रावधान लागू नहीं होते हैं और यह भी अंकित किया है कि प्रार्थी ने जब कभी भी निर्माण निरीक्षक उत्तर रेलवे के अधीन कार्य ही नहीं किया तो उसकी रेल सेवा में पुनः बहाली का कोई औचित्य ही नहीं बन सकता है, उसने न तो अपनी सेवा में कार्य किया और ना ही कभी भी कार्य पर लगने की नीयत से निरीक्षक के समक्ष उपस्थित हुआ और न उसको कभी किसी प्रकार का आश्वासन ही दिया। अतिरिक्त कथनों में यह भी अंकित किया है कि कर्मकार ने यूनियन के माध्यम से दावा पुराने विवाद के सम्बन्ध में बहुत विलम्ब से 25 वर्षों से उठाया है जिसका प्रत्येक वर्ष के विलम्ब का कोई स्पष्टीकरण नहीं दिया है, उसके मुताबिक उसने सन् 1978 में रेलवे में कार्य किया है जबकि वास्तविकता यह है कि उसने रेलवे में कभी भी कार्य नहीं किया है, रेलवे विभाग में उपलब्ध कार्यालय अभिलेख के मुताबिक उसने निर्माण निरीक्षक, उ. रे., बीकानेर के अधीन कभी भी कार्य नहीं किया और उसने जानबूझकर बनावटी विवाद को सन् 1978 की कार्य अवधि से सम्बंधित है, को जानबूझकर उठाया है ताकि उसे विफल करने में रेलवे विभाग समर्थ न हो सके और पुराने रेकार्ड की समाप्ति के बचाव में अनुचित लाभ उठा सके, मण्डली लेखाधिकारी उत्तर रेलवे बीकानेर के जारी पत्र ओ.ओ. 8 डब्ल्यू. ओ./एकाउंट्स/पार्ट I दिनांक 21-1-2000 के अनुसार लेबर के सीट और मस्टर रोल की सुरक्षा अवधि 5 वर्ष दर्शाया है जो दिसम्बर, 1991 में नष्ट कर दिया गया दर्शाया है, वर्ष 1978 कैज्युअल लेबर से सम्बन्धित रजिस्टर नष्ट हो चुके हैं, अप्राथीगण सं. 1 व 2 को अनावश्यक पक्षकार बनाया है, कैज्युअल लेबर रेलवे में कार्य पर लगने हेतु स्वीकृत टीएलए (टैम्पेरी लैबर एप्लीकेशन) के आमंत्रण पर निर्धारित निश्चित अवधि पर लगाया जाता है और कार्य समाप्त होने पर पुनः टी. एल. ए. के आधार पर कैज्युअल लेबर के रूप में लगाया जाता है। कार्य समाप्त होने पर आकस्मिक श्रमिक की सेवा स्वतः ही समाप्त हो जाती है, चूंकि उसने निर्माण निरीक्षक के अधीन कार्य नहीं किया है अतः वह कोई राहत पाने का अधिकारी नहीं है; अतः मैं प्रार्थी का क्लेम निरस्त करने की प्रार्थना की गयी है।

5. पक्षकारों द्वारा प्रस्तुत साक्ष्य के दौरान प्रार्थी पक्ष की ओर से प्रस्तुत साक्ष्य में स्वयं श्रमिक नियाज मोहम्मद ने अपना शपथपत्र पेश किया है जिसके खण्डन में अप्राथी नियोजक पक्ष की ओर से साक्षी ए. डी. मौर्य सहायक मण्डल अभियन्ता का शपथपत्र पेश हुआ है। प्रत्येक पक्ष द्वारा एक-दूसरे पक्ष के साक्षी से जिरह की गयी है और प्रलेखीय साक्ष्य भी पेश की गयी है।

6. विद्वान् पक्षकारों की बहस सुनी गयी एवम् पत्रावली का पत्रावली पर उपलब्ध समस्त साक्ष्य का अवलोकन किया गया, हमारे समक्ष भारत सरकार द्वारा प्रेषित इस विवाद प्रसंग के निस्तारण हेतु प्रमुख रूप से विचारणीय प्रश्न यही है कि क्या प्रबन्धतंत्र, उत्तर रेलवे, बीकानेर द्वारा श्री नियाज मोहम्मद को सेवा पृथक् करना उचित है। यदि नहीं तो कर्मकार क्या राहत प्राप्त करने का अधिकारी है?

इस विचारणीय बिन्दु को सिद्ध करने का भार स्वयं प्रार्थी श्रमिक पक्ष पर ही था, इस सम्बन्ध में स्वयं प्रार्थी श्रमिक नियाज मोहम्मद ने स्वयं द्वारा प्रस्तुत अपने शपथपत्र में क्लेम में वर्णित तथ्यों की पुष्टि करते हुए अपनी नियुक्ति 15-3-78 को कार्य निरीक्षक (निर्माण) उत्तर रेलवे, बीकानेर की देखरेख में दैनिक वेतन भोगी कैज्युअल लेबर खलासी के पद पर नियुक्त होना और सेवा से दिनांक 15-8-78 को नियोजक कार्य निरीक्षक (आई. ओ. डब्ल्यू.) उत्तर रेलवे, लालगढ़ द्वारा अपने मौखिक आदेश से बतौर रिट्रेन्चमेंट के सेवा समाप्त करना बतलाया है और स्वयं को सेवा मुक्त करने के पश्चात् अपने से कनिष्ठ कर्मचारीगण जिनके नाम स्क्रीन किये गये कर्मचारियों की लिस्ट प्रदर्श डब्ल्यू-1 में आईटम नं. 383 पर पूनमचन्द, पुत्र भंवरलाल नियुक्ति दिनांक 29-7-79 और आईटम नं. 121 पर सतबीर पुत्र जेठमल नियुक्ति दिनांक 27-12-79 को अपने से बाद में नियुक्त होना और इस लिस्ट में कुल 578 कैज्युअल लेबर कर्मचारियों के नाम हैं जिनमें से कितने ही कर्मचारी जैसे विजय प्रसाद महतो आईटम नं. 50 पर नियुक्ति तिथि 27-7-81 आईटम नं. 52 श्यामलाल पुत्र लालधरशाह प्रथम नियुक्ति तिथि 29-7-84 और आईटम नं. 55 गुरदयाल पुत्र नानकचन्द प्रथम नियुक्ति तिथि 24-11-84 एवम् अन्य कितने ही कर्मचारियों के नाम होना और आज भी कार्यरत होना बतलाते हुए यह भी कथन किया है कि उससे जूनियर कर्मचारी श्री पियाज खान पुत्र मेहबूब खान जिसके फार्म नं. 183325 जो कि प्रदर्श डब्ल्यू. 2 है को नौकरी में रखा हुआ है जो आज भी कैरीज, बीकानेर में कार्यरत है यह कर्मचारी प्रार्थी के साथ ही दिनांक 15-3-78 को नियुक्त हुआ था, प्रार्थी ने 120 दिन से अधिक कार्य कर लिया था और वह रेलवे नियमों के अनुसार शपथकर्ता सीपीसी स्केल पाने का अधिकारी हो गया था, उसने अपने कार्य के बारे में उत्तर रेलवे, बीकानेर से एक प्रमाणित कार्य कार्ड प्राप्त किया जो प्रदर्श डब्ल्यू. 3 है जिसमें उसके द्वारा 140 दिन कार्य करना माना गया है, दूर संचार विभाग, बीकानेर के द्वारा सन् 92-93 में आयोजित साईकल प्रतियोगिता में मैकेनिक के रूप में भाग लिया था जिसका प्रमाणपत्र प्रदर्श डब्ल्यू.-4 है। सिविल रिट पिटीशन नं. 4180/2000 में दिनांक 4-1-2001 को उच्च न्यायालय द्वारा दिया गया आदेश प्रदर्श डब्ल्यू. 5 है, वह अपनी सेवामुक्ति दिनांक से आज तक बेरोजगार है, सभी देय लाभों सहित बहाल करने की प्रार्थना की गयी है। जिरह में प्रार्थी श्रमिक का बतलाना है कि यह कहना गलत है कि रेलवे में काम होने पर नोटिस बोर्ड पर (टी.एल.ए.) टैम्पेरी लेबर एप्लीकेशन आमंत्रित की जाती हो, उस समय जब मुझे काम से हटाया तब रेलवे में काम चालू था, मुझे आई. ओ. डब्ल्यू. श्री भटनागरजी ने काम पर लगाया था यह कहना गलत है कि मूल कार्ड हटाते समय रेलवे विभाग में वापिस जमा हो जाता हो बल्कि लेबर को दे देते हैं, जब मैं काम करता था तब प्रदर्श डब्ल्यू. 3 कैज्युअल लेबर कार्ड पर सम्बन्धित श्रमिक की फोटो नहीं चिपकाई जाती थी, प्रदर्श डब्ल्यू. 2 में फैंजखान को तो लेबर कार्ड फोटो वाला दिया जबकि मुझे फोटो वाला कार्ड नहीं दिया। वह सही है कि मेरे साथ में रतनसिंह, पूनमचन्द, मोहम्मद रफीक, गौरीशंकर और फेयाजखान को लगाया था, यह कहना गलत है कि मैंने पी. डब्ल्यू. आई. के अधीन कोई काम नहीं किया हो, काम किया है तभी तो प्रदर्श डब्ल्यू. 3 कार्ड बना था, यह कहना गलत है कि मैं प्रदर्श डब्ल्यू. 3 कार्ड लेबर बिना सूचना के घर चला गया, मैं तो बार-बार काम मांगने

के लिये किस-किस तारीखों को गया, तारीख याद नहीं है, यह कहना गलत है कि मेरे साथ में लगे हुए रतनसिंह, पूनमचन्द, मोहम्मद रफीक, गौरीशंकर और फेयाजखान रिटायर हो चुके हैं। यह सही है कि आज मेरी उम्र 41 साल की हो चुकी है, यह कहना गलत है कि नौकरी से हटाये जाने व इस प्रकरण के चालू होने के बीच में अन्यत्र काम करता हो मैं तो मारा-मारा फिर रहा हूँ और कोई काम नहीं मिल रहा है। यह कहना गलत है कि प्रदर्श डब्ल्यू 3 मेरा स्वयं का कार्ड न हो।

इस सम्बन्ध में नियोजक की ओर से प्रस्तुत साक्षी ए. डी. मौर्य का शपथपत्र पेश हुआ है जिसमें उसने स्वयं का सहायक मण्डल अभियन्ता उत्तर रेलवे के पद पर 17-4-01 से कार्यरत होना और प्रार्थी नियाज मोहम्मद पुत्र निसार अहमद आकस्मिक कार्य करने हेतु अपने कार्यालय में कोई रिकार्ड उपलब्ध नहीं होना और मण्डल अधिकारी, उत्तर रेलवे के जारी पत्र ओ. ओ. (8) डब्ल्यू ओ./रेकार्ड्स/पार्ट-I दिनांक 21-1-2000 प्रदर्श एम-1 के अनुसार 1991 में नष्ट कर दिया जाना दर्शाया होने का कथन किया है। नियोजक के इस साक्षी ने जिरह में स्वीकार किया है कि प्रदर्श एम-1 में टी. एल. ए. नष्ट करने का कहीं पर भी अंकन नहीं है टी.एल. ए. और आईएम न. 2 मस्टर रोल सेलरी बिल्स दोनों अलग-अलग हैं, कैजुअल लेबर रजिस्टर के नष्ट किये जाने का हवाला प्रदर्श एम-1 में नहीं, यह सही है कि कैजुअल लेबर की प्रथम नियुक्ति टी.एल.ए. पर ही होती थी। यह सही है कि येवा कैजुअल लेबर को सेवा कात कार्ड देते थे और उक्त कार्ड में वह कैजुअल लेबर जितने दिन काम करता था उसका अंकन किया जाता था, प्रदर्श डब्ल्यू. 1 कि मुझे जानकारी नहीं है, मैं दिनांक 17-4-01 से इस कार्यालय व इस पद पर आया हूँ मुझे इस बात की जानकारी नहीं है कि नियाज मोहम्मद को जब हटाया गया तब वरिष्ठता सूची जारी की या नहीं, चूँकि इस श्रमिक सम्बन्धित कोई रेकार्ड हमारे पास नहीं है इसलिये मुझे नहीं पता कि श्रमिक से वरिष्ठ या कनिष्ठ व्यक्तियों को काम पर लगाया या नहीं यह सही है कि रेलवे में रेकार्ड रूम बना हुआ है, मैंने रेकार्ड रूम में जाकर स्वयं निरीक्षण नहीं किया कि श्रमिक सम्बन्धित रेकार्ड है या नहीं।

7. विद्वान पक्षकारों की बहस एवम् पत्रावली पर उपलब्ध समस्त मौखिक एवम् प्रलेखीय साक्ष्य पर भली-भाँति विचार करने के उपरान्त हम इस नतीजे पर पहुँचते हैं कि श्रमिक ने अपनी कार्य अवधि 15-3-78 से 15-8-78 तक के मध्य 140 दिन की बतलाते हुए प्रदर्श डब्ल्यू 3 कार्य कार्ड पेश किया है, श्रमिक पक्ष की ओर से इसी श्रमिक के साथ कार्य करने वाले कर्मचारी फैयाजखान के कार्य कार्ड प्रदर्श डब्ल्यू 2 पेश किया गया है, यह दोनों कार्ड एक समान नहीं हैं क्योंकि प्रदर्श डब्ल्यू 2 पर तो उस श्रमिक फैयाज खान का फोटू भी लगा हुआ है और प्रदर्श डब्ल्यू 3 में प्रार्थी श्रमिक नियाज मोहम्मद का फोटू भी लगा हुआ नहीं है, इस सम्बन्ध में श्रमिक का यह कथन विश्वसनीय प्रतीत नहीं होता है कि जब मैं काम करता था तब प्रदर्श डब्ल्यू 3 कैजुअल लेबर कार्ड पर सम्बन्धित श्रमिक की

फोटू नहीं चिपकाई जाती हो फिर भी यदि एक क्षण के लिये कार्ड प्रदर्श डब्ल्यू 3 को सही भी मान लिया जावे तो भी श्रमिक द्वारा अप्रार्थी नियोजक के अधीन एक कलैण्डर वर्ष में 240 दिन की निरन्तर सेवा पूर्ण कर लेने का न तो कथन किया गया है और न ही तर्क दिया गया है, स्वयं नियोजक साक्षी ए. डी. मौर्य के अनुसार 1978 के कैजुअल लेबर से सम्बन्धित रजिस्टर प्रदर्श एम.1 के द्वारा नष्ट होने का साक्ष्य कथन किया गया है, प्रदर्श डब्ल्यू. 1 स्कीन लिस्ट से प्रार्थी श्रमिक को कोई फायदा नहीं मिलता है और प्रार्थी फैयाज खान से न तो इस श्रमिक के साथ किसी प्रकार की कोई तुलना की जा सकती है और न ही इस श्रमिक को प्रार्थी से कनिष्ठ माना जा सकता है क्योंकि स्वयं प्रार्थी श्रमिक के कथनानुसार और प्रदर्श डब्ल्यू. 2 कार्ड के अनुसार इस श्रमिक की भी नियुक्ति 15-3-78 को ही हुई है और स्वयं प्रार्थी भी अपनी नियुक्ति की दिनांक 15-3-78 ही बतलाता है। हम विद्वान प्रतिनिधि प्रार्थी श्रमिक के इस तर्क से बिल्कुल भी सहमत नहीं हैं कि इस श्रमिक की कथित सेवामुक्ति से पूर्व औद्योगिक विवाद अधिनियम की 25-जी एच एवम् नियम-77-78 की पालना नहीं किये जाने के कारण प्रार्थी श्रमिक नियाज मोहम्मद को 15-8-78 से की गयी सेवामुक्ति किसी प्रकार से अनुचित एवम् विधि विरुद्ध है, नियोजक की ओर से किया गया तर्क अधिक सबल एवम् विश्वसनीय प्रतीत होता है कि प्रार्थी ने अपनी इस सेवामुक्ति के विवाद को लगभग 25 वर्ष बाद उठाया है और विलम्ब का कोई कारण भी नहीं दर्शाया है तथा सन् 1978 में टैम्प्रेरी लेबर एम्प्लीकेशन "टी. एल. ए." के आधार पर रखे गये कैजुअल लेबर से सम्बन्धित रिकार्ड नष्ट किया जा चुका है और उपलब्ध रिकार्ड के अनुसार प्रार्थी ने उनके अधीन एक दिन भी काम नहीं किया है। हमारी राय में प्रदर्श डब्ल्यू 3 कैजुअल लेबर कार्ड को विश्वसनीय दस्तावेज नहीं माना जा सकता, इस पर न तो श्रमिक का फोटू लगा हुआ है और न ही इस कार्ड पर अप्रार्थी रेलवे विभाग के किसी अधिकारी के कोई हस्ताक्षर या मुहर अंकित है। प्रार्थी नियाज मोहम्मद की इस कथित सेवामुक्ति को किसी भी रूप में अनुचित एवम् विधि विरुद्ध नहीं माना जा सकता। परिणामतः प्रार्थी श्रमिक कोई राहत व राशि प्राप्त करने का अधिकारी नहीं है।

8. अतः भारत सरकार के श्रम मंत्रालय द्वारा प्रेषित इस प्रसंग को उत्तरित करते हुए यह पंचाट इस प्रकार से पारित किया जाता है कि प्रार्थी श्रमिक नियाज मोहम्मद को प्रबन्धतंत्र उत्तर रेलवे बीकानेर द्वारा सेवा पृथक् करना किसी भी रूप में अनुचित एवम् विधि विरुद्ध नहीं माना जा सकता। परिणामतः उसकी यह कथित सेवामुक्ति उचित एवम् वैध पायी जाती है और प्रार्थी श्रमिक अप्रार्थीगण से किसी प्रकार की कोई राहत व राशि प्राप्त करने का अधिकारी नहीं है।

उक्त अधिनिर्णय अधिनियम की धारा 17(1) के अन्तर्गत प्रकाशनार्थ भारत सरकार को भिजवाया जाये।

9. आज्ञा आज दिनांक 11-10-2006 को विवृत न्यायालय में सुनाई गई।

नाथू लाल मोना, न्यायाधीश